Ray Haynes on The Fruits of Disunity: Republicans Lose the Budget Debate

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SEPTEMBER/OCTOBER 1999 • VOLUME 10 • NUMBER 5 • $4.00

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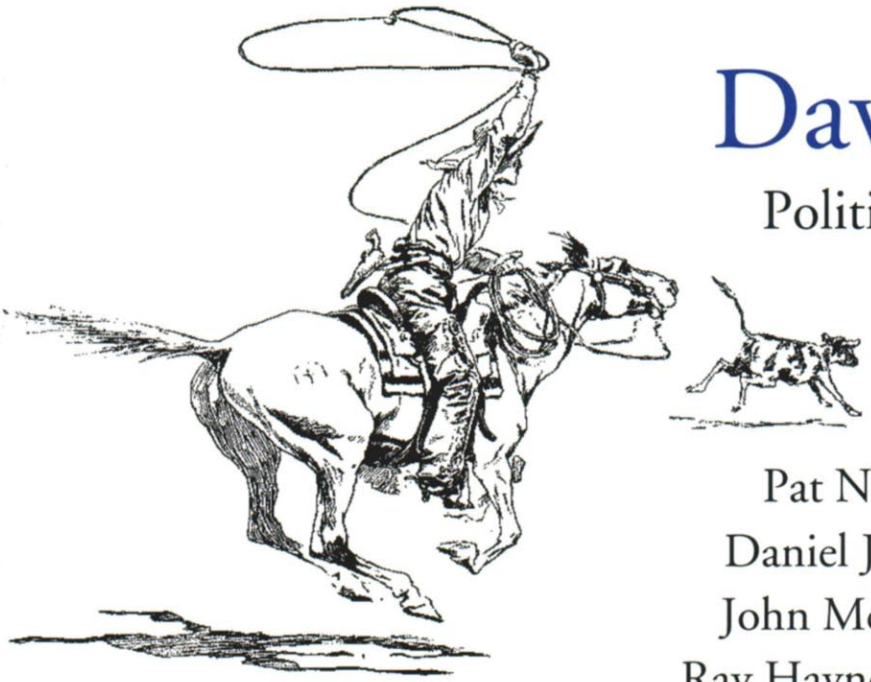
The State *vs.* the Family
by Brian O'Neel

The Democrat Plantation
by *Leon McKinney*

Truth & Politics

Republicans Respond to 'Ronald Who?'



David Horowitz

Political Warrior Strikes Back

Also:

Pat Nolan, Rabbi Daniel Lapin,
Daniel J. Grimm, Arnold Steinberg,
John McGraw, William E. Saracino,
Ray Haynes, Shawn Steel, Steve Baldwin

John Kurzweil

Victory Requires Honesty

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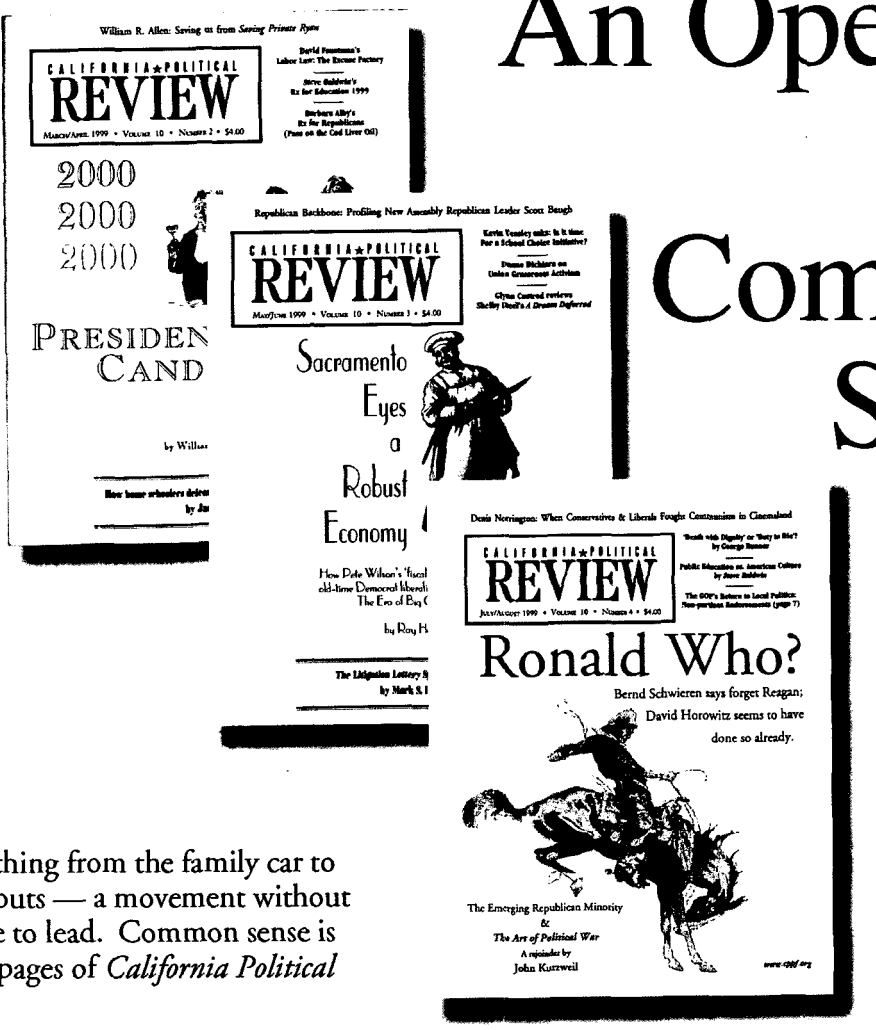
An Opening for Common Sense



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— Irving Kristol

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A PUBLICATION OF THE
CALIFORNIA PUBLIC POLICY FOUNDATION

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California Political Review (ISSN 1075-3079) is published bimonthly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, *California Political Review*, Post Office Box 931, Camarillo, CA 93011-0931. Correspondence may be condensed due to space limitations. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $24 yearly (six issues). Outside U.S. add $4 per year surface, $20 for airmail. *California Political Review* is copyright © 1999 by the California Public Policy Foundation.

California Political Review (ISSN 1075-3079) is published bimonthly for $24 per year by the California Public Policy Foundation, 15456 Ventura Blvd., Suite 300, Sherman Oaks, CA 91403. Periodical Postage Paid at Van Nuys, CA, and additional mailing offices. POSTMASTER: Send address changes to *California Political Review*, P.O. Box 931, Camarillo, CA 93011-0931.

CORRESPONDENCE

'Ronald Who?'

Thank you for "Ronald Who?" (*CPR*, July/August). You gave word to many people's thoughts. All the time we Republicans enjoyed and participated in Ronald Reagan's success, we apparently never fully understood or adopted his strategy for victory.

With all of the post-mortems on the 1998 election, I am dismayed to find out that no one yet has actually examined what really happened. The data used in the "Emerging Republican Minority" piece consisted mostly of the *Los Angeles Times'* exit poll. The accuracy of exit polls is difficult to validate and they also totally ignored the 25 percent of the voters who voted by absentee ballot in 1998. So, after all this time we do not know who showed up to vote and who did not.

The success of conservative ballot measures should tell us just how conservative the electorate is. Instead of blaming those who did not show up for Lungren, we can look to these initiatives for the evidence that Reagan conservatism is still in the majority.

Bill Leonard, California Assembly
Rancho Cucamonga

David Horowitz says the Republican Party lacks "respect for the common sense of the American people." But how can a "political war" relying on deceit, not straightforward truth, appeal to any real common sense? His advice about defending Newt Gingrich gives the impression he thinks people do not care about the truth. He evidently thinks voters want to be manipulated, so long as it's done skillfully. His "art" of political war is artfulness: delivering a clever, soft, caressing delusion, like an opium dream; conveying an emotional, "I feel your pain" verbal massage. Will the deception be unmasked? Probably yes, sooner or later, but who cares? Just don't let it include any harsh-sounding realities. Feed us on "sound-bites" — nothing substantial: we're infants and can handle only soft food. At least Mr. Horowitz follows his own advice: talk about respecting American voters while actually showing zero faith in their common sense.

His booklet's title is misleading. "Art," if it's any good, is always honest. It is a highly-concentrated dose of beautiful reality. People love it and find it uplifting because it brings relief from a day-to-day world too often gorged with lies. Mr. Horowitz preaches surrender to that world. The true "art" of advancing Republican ideas and goals needs no such deception. It thrives on just the opposite.

We must be as aggressive as Mr. Horowitz says, devoting ourselves to hard, honest campaigning with our principles as our guides. But how does he expect aggressiveness from people he believes are too self-absorbed to stir themselves for the truth? What will make such weak, frightened people fight? More Republican hypocrites of the kind Mr. Horowitz envisions?

What's really wrong is that our daily "news" is tainted — for the most part — filtered first through the point of view of the liberals. This means the voters are not aware of all the pertinent facts, which makes it difficult to make common sense decisions on how to vote. But is the answer for Republican candidates to become better, more "artful" manipulators than Democrats? Where will that get us? We've just had an eight-year "Republican" governorship — the artful Pete Wilson — with no real reform of welfare, taxes, the courts — anything.

If we Republicans want to show the people the respect Mr. Horowitz says we lack, we should be more visible when the public learns about its state. We have to convey our message — not a massage. That means participating in the reporting of the daily news. Is there one sizable newspaper or television station in California that reflects core Republican principles? No. That is deplorable.

Rita Williamson
Walnut Creek

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SACRAMENTO SPECTATOR

The end of the recent legislative session coincided with a news article that the Russians, attempting to drive a symbolic last nail into communism's coffin, plan to close Lenin's tomb, stop the annual embalming, and find a place to bury the old bastard. Given the performance of the Democrat majorities in your Legislature, lying in state in the Capitol rotunda would be an entirely appropriate location.

Said Democrats, with only the slightest of brakes occasionally applied by Governor Gray Davis, have the good ship California racing toward a socialist workers' paradise at breathtaking speed. A list of the legislation that has passed already, augmented by even worse stuff that barely failed and will be back next year, reads like something out of *Pravda* during the Brezhnev years.

The unions are triumphant, the trial lawyers bellicose (because only 80 percent of their agenda is being enacted), and the teachers, administrators, and education bureaucrats are all resting secure, knowing that taxpayer dollars will be lavished on them no matter how woeful their performance may be. Charter schools and anything that even hints at private initiatives are treated like plague bacillus.

Your salary — all of it — is assumed by these Democrats to belong to the state, which, of course, means to them. Whatever they may choose to allow you to keep is known as a "tax expenditure," and you should be damn thankful they haven't yet taken it.

By more or less any and all indicators discernible in the Capitol, it is plain that the legislative majority views the owners of private businesses as enemies of the state. They are to be beaten down and shackled by ever-higher taxes, workers' compensation premiums, and work rules that stack the deck in favor of union bosses. No law suit will be considered too frivolous or too far-fetched to drag you into court if you are dumb enough to try to do business in the state.

And your children of course are only on loan to you at night. During the day they are the property of the state — preschool workers, teachers, guidance counselors, psychiatrists — the whole panoply of state agents whose job it is to convince your children that you are irrelevant.

Governor Davis's PR-driven pledge to "govern from the middle" apparently means that very narrow strip of political turf between Tom Hayden and Karl Marx. He has tugged on the reins to slow down the legislative Democrat drive toward total socialism only occasionally, and then only ever-so-gently.

These, of course, are just the tips of the iceberg. Californians are now substantially less free because of this Legislature and this governor. The Republicans in the Senate have no chance of stopping this. The Republicans in the Assembly are slightly better off, both numerically and in the number of members who have some fighting spirit left in them.

The sad bottom line, however, is that nothing is going to change until the November 2000 elections. Those who are serious about their freedoms should be seriously concerned, and seriously planning to be fully engaged politically next year.

— A. P. C.

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Tony Kline's Green Light

In an outcome made predictable by November's election, California's Judicial Performance Commission now spells 'judicial activism': O-K-A-Y.

BY MARK S. PULLIAM

IT'S NOW official. In California, judges don't have to follow the law. So the Commission on Judicial Performance ruled August 19, when it dismissed misconduct charges against J. Anthony Kline, a state appellate judge cited last year for (in his words) refusing "as a matter of conscience" to apply a controlling California Supreme Court precedent because he considered it to be "unwise and even dangerous."

Kline's troubles began in 1997, when he voted in a published decision to deny a motion for "stipulated reversal" — a procedure permitted in California when parties settle a lawsuit while the case is on appeal, vacating the trial court judgment — even though he acknowledged that *Neary v. Regents of the University of California,* a 1992 decision of the California Supreme Court, was directly on point and required that the motion be granted. Too bad, Kline said; he disagreed with the higher court on the merits of the issue (even though *Neary* had been decided by a lopsided 6-1 margin) and petulantly announced he would not grant such motions in the future, either, unless specifically ordered to do so by the California Supreme Court.

In other words, Kline was brazenly defying the discipline of *stare decisis* — the obligation of judges, particularly subordinate judges, to follow precedent. Kline's defiance was not a momentary fit of pique. In *Neary* the California Supreme Court had reversed a decision written by Kline *himself.* Kline's lawless action represented intolerable judicial insubordination, bordering on rebellion. Judges cannot pick and choose which laws they are willing to follow, or enforce. Such arbitrariness is the antithesis of the rule of law.

Activist judges usually operate more subtly, purporting to "distinguish," or ignoring altogether, precedents with which they disagree. Moreover, nothing prevents lower court judges from criticizing a precedent, or even urging that it be reversed, so long as the judge follows it in the meantime. Kline's action was different. He overtly thumbed his nose at the California Supreme Court, in effect *daring* someone to challenge him. A year ago, the Commission on Judicial Performance (CJP), whose members are appointed by the governor, Legislature, and state supreme court, obliged. The CJP is an 11-member body established by the California Constitution responsible for the discipline or removal of judges for either misconduct or disability. Under the leadership of its then-chairman, former federal judge Robert Bonner, the CJP cited Kline for violating canons of the Code of Judicial Ethics requiring judges to "comply with" and be "faithful to" the law. The "law" in this context includes precedents of a higher court.

The flagrant nature of Kline's disobedience, and his obvious anti-*Neary* agenda, made the CJP's charge an open-and-shut case. Everyone expected Kline to receive a symbolic slap on the wrist and a warning not to do it again. *Stare decisis* would once again be secure. But a firestorm of criticism soon developed. The *L.A. Times* denounced the CJP proceeding as a "witch hunt" and an "inquisition." The liberal establishment treated Kline, a well-connected veteran activist with an impeccable liberal pedigree (having served as Governor Jerry Brown's legal affairs secretary when Brown appointed Rose Bird to the Supreme Court), as if he were a martyr. Even the American Bar Association came to Kline's defense. Democrat lawmakers in the California Legislature unsuccessfully tried to enact a law protecting Kline from the CJP. To its credit, the CJP didn't flinch.

BUT BEFORE a hearing was held on the CJP's charge, the political landscape changed dramatically. Democrat Gray Davis succeeded Republican Pete Wilson as governor, and five slots on the CJP turned over. Many observers suspect that the replacement members appointed by Governor Davis and Democrat lawmakers were Kline parti-

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

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THE FRONT LINE

Local Level Party Building

Duane Dichiara

It's 1999's hottest day yet. I'm talking politics with a respected county GOP chairman. At our last conversation, in Sacramento's winter fog several months earlier, he'd assured me that (1) the many volunteers recruited in 1998 would be the foundation of a functioning precinct system by Fall '99, (2) his newly-elected executive board would be able, in their after-work hours, to run a political party in one of California's larger counties, and (3) though other county interest groups might need experienced, professional staff to be effective, the GOP did not.

Today, this chairman is concerned. Since last November's election, the county precinct program has ceased to exist. Most of the volunteer contact information has been lost. Precinct workers with known addresses or phone numbers have not been contacted in nine months.

No communications program exists to keep volunteers and donors informed. "You know," the chairman sighed reluctantly, "the other county chairmen I chat with say they all have the same problem. Great intentions: no follow-through. We are going to have to start from scratch three months before the general election, again."

Duane Dichiara, a land use policy advisor for San Diego County Supervisor Bill Horn, is political director of the Adam Smith Institute.

The Democrats and unions learned a valuable lesson in the early 1990s: to build a successful, long-term precinct organization in major urban areas requires experienced, professional staff. In most urban areas they now

budget for full-time staff tasked solely to build precinct programs year round — to perform the daily grind of recruiting, motivating, and managing hundreds of volunteers, registering voters and learning the neighborhoods.

The left understands American urban history: Parties that build strong precinct programs dominate registration and get-out-the-vote. After a few cycles of unopposed domination, voting patterns begin to reflect it. A new "machine" is born.

This chairman now knows the local GOP requires experienced staff to translate Central Committee ideas into effective programs and the huge GOP member base into political muscle. But he doubted donors would give more to hire the staff given the local Party's lackluster history.

Another alternative, however, might work. In most counties, local GOP officers can contact major Republican donors who live in the county and own their own companies. These donors are often eager to help the Party but wary, as one put it, of "throwing money into the local Republican rat-hole." These donors should be asked to place an experienced GOP operative on staff to work with the local Party precinct programs. Thus the donor can monitor progress while the local Party creates the programs necessary to be politically effective, improves its reputation, and, finally, attract sufficient funding to hire staff itself.

My last appointment that day was with a respected GOP donor. "I hear what the unions are doing," he said. "I don't like it. I want to help rebuild our local precinct system and am willing to contribute a substantial amount of money to do so. But I do not want to give it to the local Party — I just do not see them getting the job done at this point and I don't earn money to throw it away. Any thoughts?" I smiled. CPR

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sans hand picked to let him off the hook. The new CJP members included Ramona Ripston, head of the ACLU of Southern California, and Lara Bergthold, an aide to Norman Lear, founder of the anti-religion group People for the American Way. And whether or not the "fix was in," Kline *did* get off the hook. He will suffer no formal repercussions for his defiance.

WHAT'S THE big news? There are, unfortunately, plenty of rogue judges issuing activist decisions, in California and elsewhere. Why the brouhaha over Kline? The CJP's exoneration of Kline, by itself not a matter of great import, signifies two things of greater consequence. First, the CJP's ruling demonstrates the political triumph of "legal realism," a jurisprudential theory that emerged in the early 20th century, premised on the then-novel view that judges don't "discover" fixed and immutable legal principles (as posited by classicists such as William Blackstone, the English common law scholar), but instead decide cases based on their own biases and prejudices, and to serve prevailing political and economic interests. This theory, a frontal assault on *stare decisis* — the notion that judges should follow precedents rather than legislate from the bench — ushered in the jurisprudential revolution of the 1950s and '60s, which continues still. "Legal realism" provided judicial activism's intellectual justification.

Legal realism has long dominated legal academia and now, judging from the CJP's absolution of Kline, dominates political thinking as well. In California at least, "formalism" — the belief in precedent scorned by "realists" — is dead. If it is true, as legal realism teaches, that the rule of law is a myth, that law is inherently unknowable and uncertain, that law and politics are inseparable, and that law has no authority except as a means to achieve political and economic change, then Kline was perfectly justified in refusing to follow a precedent he disagreed with. If the accepted jurisprudential theory holds that judges just make up the law as they go and that all decisions are result-oriented, why should we be upset at one judge for making it up a different way? What is unsettling, and remarkable, about the CJP's reversal of position, is that Kline's repudiation of *stare decisis* has the imprimatur of *the elected branches of government,* not just the support of the sometimes marginal professorate. Devotees of the rule of law should soberly consider the implications of this shift: it is an invitation to chaos in the courts and the further erosion of public confidence in the judiciary.

Second, Kline's vindication by a newly-reconstituted CJP, reflecting the appointments of California's recently-elected Governor Gray Davis, demonstrates Davis' true colors, at least on public policy issues he thinks the public doesn't pay attention to. In his January 1999 inaugural address, Davis said "I am a moderate and a pragmatist by nature .... I will govern neither from the right nor from the left, but from the center, propelled not by ideology, but by common sense." The current CJP, in contrast, is composed of shrill ideologues. Davis' actions speak louder than his words. Based on its dismissal of charges against Kline, just how left of center is the CJP? Consider that Ninth Circuit Judge Stephen Reinhardt, perhaps the most liberal sitting federal judge and certainly the most frequently reversed judge in America, thinks Kline went too far. In a recent interview in *The Green Bag,* a legal journal, Reinhardt was asked "Are there situations where, despite direct Supreme Court precedent, a judge should go against that precedent as a form of protest?" Reinhardt responded:

> *No, I think you have to follow the law under all circumstances.* There may be a time when a judge should recuse himself because the law is so abominable that he does not feel that he can implement it — that it would violate his conscience to do so ... Or you can say, "It is so bad that *I'll resign"* ... I think you are free to write a concurrence in which you attack the rule and say, "It's unjust that I have no alternative." I think you are free to go speak at a law school and condemn the rule, *but I think if you are acting as a judge on the case you have to vote the way the law is."* (Emphasis added.)

Even Reinhardt, the closest thing to a scofflaw we have on the federal bench, has more respect for precedent than Kline and the CJP. So much for the center. So much for *stare decisis.*

As one might expect, Kline's arrogance has swollen to almost megalomaniacal dimensions as a result of the CJP's fawning obeisance. In an interview with the *L.A. Daily Journal* reported the day after the CJP's dismissal was issued, Kline not only expressed no regrets, he took aim once again at the California Supreme Court. Referring to the *Neary* decision (in which the Court reversed Kline by a 6-1 vote), Kline said "To me, the Supreme Court crossed the line .... The Commission on Judicial Performance should have investigated the Supreme Court for that opinion ...." Even now, Kline does not recognize the authority of the state's highest court. Who knows?, now that Kline's pals are in charge, maybe the CJP will go after the Supreme Court for having the temerity to disagree with him. Robert Bonner, the former CJP chairman under whom the misconduct charges against Kline were filed, lamented that "It is a sad day for the rule of law in California." Amen. CPR

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LEGISLATIVE FILE

The Democrat Plantation

Leon McKinney

We could give it all back to you and hope you spend it right.

— President Bill Clinton, at a rally in Buffalo, Jan. 20, 1999.

So even Bill Clinton can speak the truth on occasion. With these words, he conveyed the Democrats' conception of the money we earn — it's really their's — and the people who earn it — we're unpredictable, but likely-to-be wayward children — more honestly than most news reports of the federal tax cut debate.

To put things in context: the president is talking about an expected $3.3 trillion federal budget *surplus* spread over the next 10 years, money arriving *after* every dime of bloated, pork-filled spending that Congress already passed is paid for. The surplus is a direct result of tax-gouging liberals raising our tax burden to record levels. According to the Census Bureau, combined federal income and payroll taxes now consume 28 percent of the average paycheck, compared with 23 percent the year Clinton was sworn in, 1993. The average American household now pays $9,445 in federal income taxes — twice what it paid in 1985.

CPR *Contributing Editor Leon McKinney is an engineering consultant in St. Louis, Missouri.*

In this context, while Clinton is troubled about our ability to spend our own money "right," congressional Republicans passed legislation to return $792 billion of these tax overpayments to us — the people who earned them. Of that, $300 billion would lower tax rates in every bracket by one percentage point. Another $294 billion would immediately go to eliminating the marriage penalty, saving 42 million married taxpayers an average of $1,400 per year. The hated Death Tax would be eliminated over 10 years. Capital gains tax rates would be indexed for inflation and cut: the highest from 20 to 18 percent, the lowest from 10 to 8 percent. Republicans would give the self-employed full deductibility for health care expenses, expand contribution limits on tax-free savings and pension plans, provide for tax-free education savings accounts, increase childcare tax credits, expand the adoption credit, and create a new income tax exemption for elderly care. They seem to think our having earned the money gives us some claim over it.

Not so Clinton. On August 5, he said *no* tax cuts "until we figure out how we're going to save Medicare, save Social Security, and pay the debt off." Well, all he wants us to wait for is the day Democrats learn and practice budgetary self-restraint, which is the day they cease to be Democrats. A little more context: seven times, Clinton and the Democrats have blocked "lock box" legislation that would keep every cent of Social Security revenue out of Big Government liberals' grasping little paws. Also, Clinton spiked the generally wise recommendations for "saving Medicare" of his *own* bipartisan Breaux Commission.

Debt reduction? Congressional Republicans set aside $2.2 trillion of the expected surplus to eliminate most of the national debt during the coming decade. Clinton asks us to believe he'll set aside $2 trillion, while spending at least $937 billion on dozens of new government programs. We can believe the spending part.

As for tax relief: "We could give it all back to you and hope you spend it right." You guessed it. Under Clinton, you get zero. CPR

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Initiative Donnybrook

When a hundred million dollars is spent on television putting these issues right in people's face, no wonder the popular pulse is stirred.

TIM W. FERGUSON

WHILE THE big-paper press corps spent most of the summer focusing on the comings and goings of politicians that the public cares little about, a few news outlets were beginning to pick up on the coming donnybrook of state ballot initiatives. Direct democracy, for better or worse, is something that reliably gets people worked up. And when a hundred million dollars is spent on television advertising putting these issues right in their face, no wonder the popular pulse is stirred.

Y2K promises to be another memorable year for California propositions. They'll be the election reform measures (redistricting, donation limits, politician pay), a homosexual marriage ban (*New Times Los Angeles* had sponsoring state Senator Pete Knight on its "Holy Homophobia!" cover), a "none of the above" designation for contested races and, likely, another school-voucher plan, a reduced (simple majority) threshold for passing local school bonds, and a cigarette tax repeal. Plus the Indians are back with another gambling liberalization (same guy in the TV spots).

You've got to know these will bring voters out in the ridiculous month of March even if the presidential nominations are already settled by then. Politicos will be fixed on the reapportionment result, but the "Marriage Protection" initiative fight, a kind of updated Briggs Initiative battle (for those who remember 1978), may well be the dominant topic in the lunchrooms of California. With the Mormon and other churches on one side and Hollywood and much of Silicon Valley on the other, it will be hard to duck for cover. Which is, of course, what most of those politicians the public disdains would prefer to do on nearly any issue. The news media, on the other hand, should have a field day.

♣ ♣ ♣

Speaking of initiatives, Ron Unz was a cover boy in the *New Republic* ("This Man Controls California"), sympathetically profiled by the neo-liberal Matt Miller. There, and in a separate *Los Angeles Times* op-ed linking Unz with media favorite John McCain, pundit Miller touted the onetime conservative *wunderkind's* powers in using the petition route to bring about needed change. (This may mark the start of liberal rethinking of the propositions — when last heard from, they hated them.) The backdrop was Unz duking it out with Rep. Bill Thomas over how to fight a 2001 Democrat gerrymander *via* a 2000 ballot measure (each man with his own plan) and engaging in a sniping match on the side with Rep. Dana Rohrabacher over old, unresolved Prop. 187 issues. Rohrabacher got that started with a letter to the *Wall Street Journal* wondering why its editorial page was seeming to take Unz's side (pro campaign spending limits) on the political reform front. The funny thing about that triangulation is that if there's anyone who's never had any use for Thomas's inside maneuvering in the Capitol, it's Rohrabacher.

But back to Unz. He's convinced (and so was Miller) that he knows better how to play initiative politics in the state than do the Party hacks or the highly paid consultants. We should have a chance to see, come March 2000. If, indeed, there is a genuine groundswell against interest-group money in politics, Unz is going to carry the day. If not, he will get swamped by the tides.

♣ ♣ ♣

San Francisco will have one daily published in the city and it won't be put out by the dysfunctional-family owners of the *Chronicle.* The Hearst Corp. is buying the *Chron* and giving up the *Examiner,* the "monarch of newspapers." Willie Brown is mourning the loss of the old *Chron,* as well he should given its over-lightly coverage of him. More disinterested readers can hope some of the independent spirit of the nominally more Democrat *Examiner* carries over into the newly owned product. For instance, it would be nice for the *Chron's* wider circulation to have the benefit of Erin McCormick's critical reports of the city payroll

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outrages, one of the periodic highlights of the *Examiner.* How the opinion pages will shake out — the *Chron's* Debra Saunders is the only right-of-center voice in the city — was still unclear in late August.

A metropolitan media market is always more fluid than antitrust zealots will admit, so the latest shift — a nominal loss of a newspaper bought by 140,000 people daily — will have other effects. Knight-Ridder Corp's *San Jose Mercury,* which might have liked to have vanquished the *Chron* cleanly, will now contest with its new owners. With the Bay Area's population patterns moving in unusual directions (San Francisco proper is gaining population, thanks to young professionals who often then commute to Silicon Valley), it is unclear where the natural base of newspaper readership would fall — at home or at work? Of course, the younger the young Turks, the less likely they will read any daily at all, preferring to get their news on-line or (gasp!) over the air. Fortunately, the untamed *SF Weekly* remains around to puncture some of the hardened-left lobbies in San Francisco. Maybe, as in Washington, D.C., the "gentrification" of gritty parts of town may actually bring a slight shift in the city's political dynamics.

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Probably not many read *Investor's Business Daily* for political edification, but it may not be such a bad idea. The paper, which claims a national circulation of more than 260,000, has built a staff around the kind of market-friendly view that its arch competitor, the *Wall Street Journal,* mostly keeps caged in the editorial section. Recently, Ken Grubbs, late of Freedom Newspapers in Orange County, joined as an associate editor. Anna Bray Duff, a correspondent based in Silicon Valley, keeps a supportive eye on the school reform movement. Day after day, the paper seems to publish in a spirit contrary to the reigning mediathink. It was started 15 years ago by William O'Neil, an investment specialist who uses *IBD* primarily as a tribune for his growth-stock view of the economy. But his gung-ho capitalism colors his approach to public policy, and he has made increasing room for that subject matter in the paper. Its editor is Wesley Mann, who joined O'Neil early on from the *Santa Barbara News Press.* Some of the other top editors are refugees from the old LA *Herald Examiner. IBD* is a quick and formulaic read, but an increasingly useful one. You might even get rich.

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The *Wall Street Journal* continues, however, to be a must (if sometimes infuriating) read for political news coverage — both state and national. An August profile (following on *Mother Jones* magazine) on Page One of Jerry Brown's 180-degree turn as Oakland mayor was particularly memorable. You'll recall Brown ran as a left-populist, his apparently sincere incarnation in recent years. Once in office, however, he has governed as a traditional — even supercharged — City Hall wheeler dealer. The most important thing for Oakland, in his eyes, seems to be downtown developments by the Shorenstein family. "Mayor Pothole," the *Journal* called him. Brown has furthered the cause of charter schools, but otherwise his passion has been focused on higher assessed valuations. If and when that tax revenue does start to pour in, let's hope someone in the Bay Area media — perhaps even Dean Singleton's *Oakland Tribune* — will keep an eye on how the Moonbeam proceeds to spend it.

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Gray Davis keeps getting credited with paddling on both sides of the canoe, although the *Los Angeles Times* entertained an op-ed from the right that concluded, "Union leaders, trial lawyers, environmentalists and activists who believe in regulatory expansion are in charge again. Every so often Davis tells them to slow down. But he doesn't tell them to stop." Still, the left was being disappointed often enough for the *LA Weekly's* cover banner on a Harold Meyerson report to read, "Davis' Dismal Debut." Splitting the difference shouldn't be so shocking a tactic after Clinton and Gore. Yet as the battle over control of revolutionary radio station KPFA in Berkeley shows, the left still struggles with balancing head and heart.

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On that score, the campus football-player scandal prompted even the UCLA *Daily Bruin* to report that "Wrongful usage of placards for disabled drivers prevalent in L.A." Indeed, the claim of disability not only gets one up-front parking, but it's good for beating a ticket on expired meters in most places. And with liberal interpretations of the ADA extending to everything short of a hangover and hangnails, who's to say what's a fraud?

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Still, the welfare impulse remains strong. Various media reported with alarm a drop-off in food-stamp recipients during the current boom (after a long, dramatic rise well into the mid-1990s). The *Wall Street Journal/California* further noted dire findings of a similar sort by "food-policy advocates" in the Golden State. It's a haunting thought that someone who may be legally entitled to the dole fails to collect on it. Maybe a job got in the way!

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THE MIDNIGHT ECONOMIST

Diseased Kidneys, Pure Hearts, and Dialysis for the Brain

Is it better for the patient to die than to participate in market exchange?

WILLIAM R. ALLEN

I AM QUITE attached to my kidneys. So far as I know, they feel the same toward me. But I have two of them, and the National Kidney Foundation assures us that one good kidney is enough.

Some people do not have one good kidney. At some finite price, I would be willing to sell one of my kidneys; it is easy to imagine a person in grave kidney difficulty being willing to meet my supply price. I would sell my kidney for his money; he would sell his money for my kidney; in our respective assessments, each of us would be better off.

A person with bad kidneys has available only limited strategies of survival. Possibly he has access to expensive, cumbersome, and confining dialysis treatment; possibly a kidney is available from a deceased donor; possibly someone will simply give a kidney.

Obviously, the patient's situation would be improved by adding to his possibilities the alternative of *buying* a kidney. But according to the National Kidney Foundation, such "cash payment" is "immoral and unethical." There was strong support for congressional prohibiting of the purchase and sale of human organs. And the 1984 National Organ Transplant Act classified such human parts as kidneys, hearts, lungs, pancreases, and livers as a "national resource" and precluded their exchange for money.

Of course, some organ transplantation is done. But, without a mechanism of market transactions, there is an inevitable shortage: Without a market, there can be no market-clearing price, and the quantity of organs demanded is vastly greater than the quantity made available. Several individual states are trying clumsily to circumvent federal restrictions by indirectly introducing monetary incentives of supply. But it seems universally acknowledged that the current supply and allocation procedures are hopelessly wasteful and provincial, with the list of those waiting for transplants rapidly growing. (A recent scholarly analysis of cadaveric organ transplantation suggests that the market would be cleared at a price well below $1,000.)

Surely, economics is not to be the ultimate arbiter of morality and ethics. Indeed, economics is amoral, being only a technique of thought to help explain — dispassionately, even (if we may say) cold-bloodedly — certain cause-and-effect relationships.

In uncoerced exchange, both parties gain, and, if no one else is hurt, it might seem pretty clear that the transaction should be permitted. But maybe the National Kidney Foundation and congressmen are attuned to a higher, more subtle Truth. Perhaps it is better for the kidney patient to die — morally and ethically, to be sure — than to participate in utterly contaminating market exchange. Some will suspect that a more likely explanation of the anti-market position is sophomoric sophistry.

The registering of demand preferences, the inducing of supply responses, the freedom to exchange privately owned assets — all this is not a trivial or doubtful luxury, tolerable only in halcyon and unstrained circumstances. The market produces sinews of adaptability to and survival in an unfriendly world.

The contribution to our well-being of market processes of trade are never more apparent than in rolling with the kidney punches of fate. A house burns down, a car is stolen, disease strikes. We are confronted by grave misfortune, and tears, wit, and government cannot undo the initial injury. But there are ways and ways of dealing with the problem, of adjusting to the hurtful slings and arrows. We can *minimize* the costs. We achieve our best possible situation by pursuing the best of the available options. Those options commonly involve other people, and through market procedures — procedures of bidding, offering, and contracting — we improve our condition.

All this strikes reasonable people as reasonable. It is reasonable, not only with respect to houses and cars, but also kidneys. The unreasonableness of some is a pity — especially since there is no dialysis for the brain. CPR

While sheltered in the UCLA department of economics from outrageous fortune, William R. Allen, like Benjamin Franklin before him, finds it convenient to be a reasonable man.

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TEKEL

In the budget debate, Republicans made no coherent argument for small government and drew no contrast with the Democrats. Voters saw Republican squabbles over money for their districts. These are the fruits of disunity.

by Ray Haynes

Then was the part of the hand sent from him; and this writing was written. And this was the writing that was written, MENE, MENE, TEKEL, UPHARSIN. This is the interpretation of the thing: MENE; God hath numbered thy kingdom and finished it. TEKEL; Thou art weighed in the balance, and art found wanting. PERES; Thy kingdom is divided and given to the Medes and Persians.

— Daniel 5:24-28

WE WERE weighed in the balance, and found wanting. Legislative Republicans began 1999 'way down: 15 Senators and 32 Assembly members. With a Democrat governor, this meant Republicans could stop no legislation requiring a majority vote — 90 percent of legislative business — for passage, and would have to stick together even to stop "urgency" measures (requiring two-thirds support) or exercise any influence on the budget, also requiring two-thirds. The Republicans were found wanting.

Make no mistake about this article. It is not a criticism of the Republican leaders in either house. Leaders have influence and control to the extent that the individual members grant them influence and control. It takes only two Senators and six Assembly members to eviscerate the leaders' power by providing Democrats the votes they need for a two-thirds majority.

Of course, if even the leaders have no power, individual members are certainly left to the whims of the opposition. A Republican favored by Democrats today could be outcast tomorrow. And although there may be a short-term benefit for a member to "sell out," the long-term effects are devastating, not just to every other member of the minority, but to the "sell out" as well.

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But *every* Republican is protected if *all* the Republicans stick together. Division in the caucus leaves every member, including the "sell out," defenseless against the whims of the Democrat leadership. With no protection against the Democrats, any Republican can become the victim of the Democrats' abuse of power, and may never find refuge. Once the enemy is routed, the victor need show no mercy.

Democrats understand this, and work overtime to set Republicans against Republicans. When Republican senators changed their caucus chair a few years ago; the Democrats immediately embraced the loser of that battle in order to weaken the leader of the senators. It worked. When Republicans ousted their Assembly leader earlier this year, the Democrats took advantage of the anger the change engendered to gain an advantage in the budget negotiations. In the end, that worked as well.

Let's take a look at the negotiations. The state began the budget year with predictions of a $1 billion deficit. This prediction was false, designed more to make former Governor Pete Wilson look bad than anything else. Of course, we ended up with a record surplus of nearly $5 billion. After raising taxes in 1991 when faced with record "deficits," the 1999-2000 budget year represented the Legislature's best chance for sizable tax cuts since, well, the 1998-99 budget year. It was clear the Democrats were not going to cut taxes. They were trying to find ways to void last year's car tax cut. If the money stolen from Californians in 1991 was going to be given back, *Republicans* would have to retrieve it.

Of course, Senate Republicans have never been known for sticking together to advance a policy agenda. No matter the issue, there are now, and have always been, enough senators to pass any legislation requiring a two-thirds vote. The two required GOP votes change this year from issue to issue, but can always be found. Some senator is always ready, for personal gain, for perceived political advantage, for senatorial

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"courtesy," or just for spite, to provide the 27th vote for any bill to pass. Democrats know this; so do Republicans. As a result, when the Democrats proposed their budget at the end of March (in record time), the Senate Republican leader proposed modest, achievable changes in state government: a small tax cut, a cut in student fees, local government relief, a higher reserve, money for school safety, and pay-as-you-go funding for roads and freeways. These requests were by no means revolutionary. They were, in fact, quite modest. The modest proposals reflected the leadership's awareness of its caucus's weakness in the negotiations.

It was clear from the beginning that Senate Republicans would put up the necessary votes to pass any Democrat budget.

UNFORTUNATELY, ASSEMBLY REPUBLICANS were fighting. The March leadership battle that ousted former Assembly Republican Leader Rod Pacheco left hurt feelings. Some in the losing faction wanted the winning faction to look bad. In addition, Assembly member Scott Baugh, the new leader, took over late in the budget process. The recipe for failure was written. The Assembly Republican leadership put together no coherent budget strategy, and the Senate Republican leadership did not consult with the Assembly on a coordinated strategy. (Of course, for some time they had no one with whom to coordinate; later they felt they had committed themselves to a position.) By the time Baugh had engaged in the discussion, the Democrat strategy was set: accept Senate Republicans' modest proposals, then jam Assembly Republicans with a *fait accompli.*

This is precisely what occurred. Early on, Senate President pro Tem John Burton announced that he wanted "more than 27 votes" on the Senate side, seeming to stress that this budget would be "bi-partisan" — setting up Assembly Republicans to charges of narrow "partisanship" when they opposed the Senate's product. Once he accepted the basic outline of the Republicans' budget proposal, 33 Senators, including most of the Republicans, voted for the budget. Senators John Lewis, Dick Mountjoy, and I cast the only "no" votes on the budget. The next step in the process was to exploit the divisions among Assembly Republicans.

Baugh tried valiantly to make the Assembly GOP caucus relevant to the discussions, but time and the caucus divisions worked against him. Governor Davis told Baugh he would not negotiate any further with Assembly Republicans because he had received almost all of the votes of the Senate Republicans. Davis also announced he would veto the appropriations requests of any member who voted against the budget. Within 12 hours, it became clear that many Assembly Republicans were ready to vote for the budget, regardless of what their leader decided to do. Faced with the prospect of appearing ineffective given the defections of his caucus, Baugh secured a few million dollars (out of $61 billion) in added tax relief, and declared victory. The budget bill received the support of a majority of Assembly Republicans.

Now for the irony. Most of the Republicans that voted for the budget voted for it in hopes of receiving the district requests they had made to the budget committees. Many assumed that once they knew the budget would receive the two-thirds votes necessary to pass, they had nothing to lose and might as well trade their "yes" vote for district "pork," or so goes the logic. In their minds, participating in a massive expansion of government, an expansion they might otherwise philosophically oppose, was less important than gaining the support of some group or other in their district for the next election by delivering the bacon. That they were betraying, and thus cutting the heart out of, their Party's cause, discrediting their Party and themselves as champions of that cause, seemed not to occur to them. They couldn't advance a policy agenda, they reasoned, so they might as well get pork. All totaled, Republicans requested about $65 million in these district expenditures. Democrats requested $135 million.

Of course, as I said earlier, once the enemy is routed, the victors need show no mercy, and in this case, the Democrats pursued their victory with relish. The budget passed, and 43 percent of the Republican "pork" in the budget was vetoed, while 89 percent of the Democrat "pork" stayed in the budget. It was the perfect gambit for Davis. Republicans, who are supposed to be the Party of small government, have already participated in a massive expansion of government for the few crumbs that fell off the Democrats' table, and now those crumbs have been stolen. Republicans would be forced to cry for even more government spending to get any benefit from the budget. Any semblance of pursuing an agenda of small government would be gone; the governor could get to the right of the Republican caucus on government spending, and do so in a very public way.

THE STORY takes an even more interesting twist from there. Because of their insolence, Assembly Republicans were not allowed to participate in the post budget "pork" deal to return the vetoed pork. A bill by Assembly Budget Committee Chair Denise Ducheny was introduced in the Assembly containing the Senate Republican "pork" but it contained only a small portion of the Assembly Republicans' requests. Assembly Republicans protested, and at this writing, have refused to vote for that bill due to this oversight. Republicans are now fighting with each other over these budget scraps. Once more, the Democrats have succeeded in setting Republicans against Republicans in a public fight for bigger government.

Similar to Belshazzar in Daniel, we were weighed in the

(Please turn to page 31)

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Silver Anniversary

Harnessing grit and energy to a visionary idea, Pacific Legal Foundation celebrates a quarter century of championing the true public interest: economic freedom.

by Harold Johnson

Freedom's friends had a milestone to toast this past year: The 25th anniversary of the Pacific Legal Foundation, "the oldest and perhaps most influential" of the nonprofit legal organizations dedicated to limited government, as the *Washington Post* recently put it.

PLF's saga is a reminder of the boundless potential when grit and energy are harnessed to a visionary idea — in this case, the previously unheard-of notion that a public-interest law firm should actually equate the public interest with economic freedom. It is a story that offers inspiration — and even shines a rare positive light on the maligned trade of lawyering.

Lee Edwards of American University describes PLF's genesis in his new book, *The Conservative Revolution: The Movement that Remade America* (Free Press):

> For years, anyone who wanted free legal aid had to talk to the American Civil Liberties Union or some part of Ralph Nader's citizen rights complex. In the 1970s, conservative public interest law firms sprang up, led by the Pacific Legal Foundation, with offices in Washington, D.C., Sacramento, and Seattle.
>
> PLF was founded by Ron Zumbrun, an architect of Reagan's welfare reform in California, and Roy Green, a former president of the Sacramento Chamber of Commerce. With an annual budget of $2 million, the foundation scored several impressive victories, such as getting California's nuclear moratorium declared unconstitutional. Director Raymond Momboise frequently asked, "Who is more unrepresented than the silent, hardworking taxpayer? The little man who foots the bills of the great social experiments of the bloated bureaucracy — we represent him."

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PLF's early success defending Reagan's California welfare retrenchment was followed by a widely publicized victory against the transportation bureaucracy of Governor Jerry Brown. The Zen governor's war on the automobile issued in a decree that one lane in each direction along the busiest freeway in Southern California would be closed to general traffic. Only carpoolers would be allowed the privilege to use asphalt for which all taxpayers had chipped in. The gridlock caused by the infamous "Diamond Lane" gambit was exceeded only by the fury it triggered in the bedroom communities all along the freeway corridor. PLF responded by invoking environmental regulations otherwise dear to the Earth Day acolytes who hailed the Diamond Lanes. The courts agreed with PLF — the carpool lanes had been created without the requisite attention to environmental-impact mandates. The diamonds were painted over and the lanes once again opened to all motorists. And never again would transportation bureaucrats push their carpool zealotry to the point of commandeering already-existing general-traffic lanes for social-engineering experiments.

Property rights have been a PLF focus from the beginning: The foundation espouses Justice Potter Stewart's maxim that the dichotomy between rights of property and rights of individuals is false. Rather, there is an essential interdependence between the right in property and other liberties. To cite one example: How could there be a reliable freedom of the press if newspapers couldn't own printing machines?

PLF's first important victory in the U.S. Supreme Court just happened to be the most significant judicial decision concerning property rights since at least the 1920s. As every law student knows, the 1987 case is *Nollan v. California*

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Coastal Commission. The Nollan family owned a beach house. They had been told by the Coastal Commission they could not build onto it unless they ceded a public right of way across their property. By a 5-4 vote, the U.S. Supreme Court declared this demand an unconstitutional taking because it wasn't related to the possible impact of the Nollan's building proposal.

The *Nollan* decision marked "a historic turn for the judiciary," journalist Tom Bethell writes in his recent book, *The Noblest Triumph: Property and Prosperity Through the Ages* (St. Martin's Press). Earlier courts, he points out, had been muddled at best about whether a property owner possessed more than mere title, so regulations sapping economic value from property would not necessarily be prohibited. *Nollan* redirected the judiciary's attention to the full implications of the takings clause of the Fifth Amendment. Common sense says that government doesn't have to seize property in order to deprive the owner of its value — oppressive regulation can have the same confiscatory, and unconstitutional, effect.

Unfortunately, judges don't always allow *Nollan* to be their guide — the California courts, alas, seem particularly resistant to its demands — but neither can they ignore it outright. Some of the most amusingly disingenuous prose in modern jurisprudence has been composed by government-friendly judges attempting to explain why *Nollan* shouldn't govern their review of regulatory overreach.

So, for PLF, the fight goes on. In the property-rights sphere, its most high-profile efforts currently include its representation of Brian and Jodi Bea, who built their dream house above the Columbia River Gorge in Washington state near the Oregon border, on land homesteaded by Brian's family generations ago. They began work only after receiving a county permit and complying with 33 regulatory conditions. But now the Columbia River Gorge Commission, a bi-state agency with no direct accountability to the public, has ordered that they either tear the house down or move it. "A government agency doesn't have the right to come back months after a decision is made and undo it," Brian Bea told *People* magazine.

That basic precept of fairness — that a landowner should enjoy stability and predictability in his rights — is at the heart of PLF's legal case in the Beas' behalf. As one U.S. Supreme Court justice has put it, the Fifth Amendment protection of property rights is, after all, part of the Bill of Rights — so it's past time that it be treated as a "poor relation" to other liberties.

Make no mistake, PLF's energies are also deployed in defense of those other liberties. "Hardly a hot-button policy issue blows through [California's capital] that isn't on the agenda of Pacific Legal Foundation," the *San Francisco Daily Journal,* the city's legal newspaper, recently wrote. With a budget of approximately $5 million and 18 attorneys, PLF is active in courts nationwide. "Our motto is never give up, never give up, never give up," says Bob Best, president and CEO of the Sacramento-based organization. "Our premise is that the state should be limited to its constitutional role — and we recognize the tenacity of those who take the opposite position, so we make tenacity our watchword as well."

Students of the initiative process in California know PLF for its central role in getting some of the major initiatives of the past decade — legislative term limits (Proposition 140), the California Civil Rights Initiative (Proposition 209), and "English for the Children" instruction (Proposition 227) — upheld against fierce challenges to their constitutionality. Currently PLF is preparing a challenge to the "soft kill" that Governor Gray Davis delivered to Proposition 187 by engineering a secretive "mediation" with 187's foes that gutted the initiative. PLF will argue that the courts should not sanction this sham arrangement, because Davis, as a foe of the measure's limits on social spending for illegal aliens, was not a legitimate representative for the initiative — or for the electorate that enacted it and whose votes he effectively nullified.

PLF's commitment to colorblind individual rights has spurred it to a series of lawsuits to force compliance with Proposition 209. The foundation won the first major court victory applying Proposition 209 this past spring, when an appellate court invalidated San Jose's racial quotas for government contracts. Efforts to bring school districts and other jurisdictions into line are now underway.

Many public-policy analysts lament that the courts have become too much the focus of government decision-making. In a democracy, isn't the Legislature supposed to be where the action is, so that the pulse of the public sector will reflect a popular consensus rather than the fiat of an elite? True enough, but often it requires court action to vindicate these prerogatives of the lawmaking branch. What's more, maintaining freedom means the Legislature cannot be paramount in all things — not when it threatens to infringe economic and individual rights. It is here that the courts have their most important role in the constitutional scheme. When operating properly, they're the last citadel for liberty.

This is PLF's guiding philosophy, and the reason it makes no apology for adding to the docket loads of the state and federal judiciary. Preserving freedom isn't a spectator sport; more and more, it means having to say to government, "I'll see you in court." CPR

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Government as religion

The State vs. The Family

Brian O'Neel

Sometime before the end of September, the California State Legislature will pass and send to the governor's desk a number of bills that, if signed into law, will undermine the family like few laws before them. The bills would mandate that certain employers provide benefits for partners of employees involved in "domestic partnerships," what in a less politically correct age we would call "shacking up." Since little else separates civil marriage from today's common law arrangements, this troublesome legislation would amount to official de-recognition by the state of the family as a unique, necessary, beneficial institution. That is, it would force all of us to participate in a tacit lie. Domestic partnerships are *not* equal to matrimony. Pretending they are delivers a blow to families and, thus, society, which depends on strong families to remain healthy.

Proponents say such legislation is simply a matter of fairness and enabling loved ones to take care of each other in times of need. Where seniors are concerned, they say domestic partner legislation would help them maintain their standard of living. After all, if two seniors living off of Social Security marry, their benefits are reduced. But on this level, domestic partnership legislation is a state remedy to a federal problem that, in any event, can be addressed without diluting society's understanding of what a family is or of the central importance of families' role in holding together the social fabric. The same point holds for the argument that homosexuals in "committed relationships" need this legislation to take care of their "significant other." If the state wants to provide financial subsidies for homosexual couples, let it do so, being straightforward about what it is doing, not by confusing them with families and at the expense of the family institution upon which so much depends.

A third reason proponents give is that many heterosexual couples never intend to marry or don't intend to marry just yet. Still, they want to provide for one another, particularly in times of crisis. But domestic partnerships are particularly harmful when it comes to heterosexual couples who partake in them. This will come as a surprise to those who oppose such arrangements primarily because of moral objections to homosexual behavior. But homosexuals are only 4 percent of the general population, and even in places like San Francisco, where they make up 26.66 percent of the population, only 3 percent have registered as domestic partners.

Heterosexual cohabitants, however, are far more numerous. One study revealed that 50 percent of people 25-40 years old have lived with a "significant other" outside of marriage. Compare that to the 1930s and '40s when more than 90 percent of all newlywed women were either virgins or whose sole sexual partners were their future husbands. The more people who decide to live together, the more acceptable this becomes. Already, 60-plus percent of high schoolers think couples should live together before marriage.

This is not good. As Rutgers University's National Marriage Project stated in its recent report, *The State of Our Unions,* "Marriage is a fundamental social institution. It is central to the nurturing and raising of children. It is the 'social glue' that reliably attaches fa-

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thers to children. It contributes to the physical, emotional, and economic health of men, women, and children, and thus to the nation as a whole."

Yet the same report shows that the marriage rate in the last 50 years has dropped by 43 percent. Marriage is at its weakest point in the history of our nation. Indeed, it is hard to point to a major society where it has ever been weaker. And this has consequences.

Even when couples don't marry, they still procreate. For example, the percentage of never-married women 18-44 years old who have children jumped from 15 percent to 24 percent between 1982 and 1992. It is not just poor women who are having babies. With Murphy Brown-types, it jumped from 3 to 8 percent. If 50 percent of those 25-40 have lived together, it is reasonable to surmise that a many of today's illegitimate children are being born to domestic partners.

Some may ask, so what? After all, couples living together provide a modicum of stability, right?

Wrong. Marriage rates for couples that live together have dropped precipitously. In the last decade, the proportion of cohabiting mothers who eventually go on to marry the child's father declined from 57 percent to 44 percent. Furthermore, 45 percent of those who do marry will eventually divorce. Researchers believe the reason is that cohabitation — particularly serial cohabitation — tends to weaken one's respect for commitment. We are thus creating a situation where more and more children will be raised in single parent households or in homes where the male is not the biological father.

What will this mean to our children? According to the National Marriage Project, living together outside of marriage increases the risk of domestic violence for women. Studies show that children who grow up around domestic violence are more likely to abuse or to be abused as adults.

The risk of physical and sexual abuse for children also goes up. If the mother's partner is not the child's father, that child stands a 33 percent greater chance of suffering physical abuse. And many children living in cohabiting situations live not with their biological father but their mother's subsequent boyfriends.

But the effect goes beyond abuse. Divorce reduces family incomes by 42 percent, and nearly 50 percent of those families fall into poverty. Furthermore, children from broken homes are more likely to have children out of wedlock, which is a prime factor in continued poverty. And they are two times as likely to cohabit themselves, which is a prime contributor to divorce. The financial situation is even worse with mothers who have not married. For blacks and whites alike, the median income of these never-married single-mothers were lower by 40 percent or more.

Children born in wedlock whose parents stayed married received AFDC only 3 percent of the time since birth. Conversely, AFDC receipt is 1,700 percent more frequent among illegitimate children of never married mothers than among legitimate children raised by intact married couples.

In one study, teachers report that boys living in households where there were male-authority figures who were not their biological fathers were more aggressive than those living with their biological fathers. Boys in households with a mother and at least a male authority figure were much less likely to be considered aggressive by teachers than their peers in mother-alone families. In an exhaustive 1998 *Society* magazine article, Nicholas Eberstadt wrote, "In the modern United States, the relationship between family breakdown and crime is not just strong; it is very strong."

It cannot be stated more succinctly: Growing up in a married, two-parent family is objectively the best situation for our children and our society. Yet, as sociologist Barbara Dafoe Whitehead says, "Society wide ... the growth of cohabitation [*i.e.,* domestic partnerships] will tend to further weaken marriages as an institution."

Domestic partnership legislation will only help this trend grow. In the words of the National Marriage Project's study, "The recognition and support of unmarried cohabitation unfortunately casts marriage as merely one of several alternative lifestyle choices. As the alternatives to it are strengthened, the institution of marriage is bound to weaken. After all, if those who cohabit have the same rights and responsibilities as married couples, why bother to marry?"

Why bother, indeed? If domestic partnership legislation passes, there will be virtually no discernible legal difference between cohabitation and marriage. History teaches that approval equals incentive. Passing this legislation, therefore, is wrong because it will only encourage the very things the state should work to prevent. And through the state's encouragement, the pathologies that fester upon our culture like a cancer will only multiply. Is this what we want? CPR

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Political Warrior Strikes Back

DAVID HOROWITZ

I AM NOT A CYNIC, I HAVE NOT FORGOTTEN RONALD REAGAN, AND IT'S STILL THE POLITICS, STUPID!

CPR's *July/August cover article, "Ronald Who?", by* CPR *Editor John Kurzweil was, in part, a rejoinder to* The Art of Political War, *a pamphlet by David Horowitz. Mr. Kurzweil criticized the pamphlet as betraying America's first principles and undermining the GOP cause by countenancing lying. Mr. Horowitz responds here; further responses follow on page 22. Mr. Kurzweil responds to his respondents on page 27.*

I WROTE *The Art of Political War* to answer a puzzle: Why can Democrats run every two or four years on Republican programs and ideas — balanced budgets, welfare reform, tough attitudes towards crime, family values — and win, while Republicans who have been promoting these same principles for decades and not just during election season, lose? How is it that Democrats who have controlled every public school system in every major American city for 70 years, and are responsible for everything wrong with them, can claim education as their issue while Republicans cannot? Why did California Democrat Gray Davis beat Republican Dan Lungren by 20 points in the 1998 governor's race, the same calendar year that an underfunded anti-bilingual education initiative denounced as "nativist" and "racist" and opposed by every Democrat, every liberal, every editorialist, every media pundit, and even Dan Lungren and the state chair of the Republican Party win by the same margin — 20 points?

The answer I gave in *The Art of Political War* is that Republicans do not understand (as Democrats do) that politics is war conducted by other means, that it is a war of position, and that only by linking your agendas to the interests of women, children, minorities, working Americans, and the poor can you win. In a democracy the position you want is the side of the underdog, which is how most Americans identify themselves (whether they are really underdogs or not). Proposition 227, which opposed bilingual education, won because it was positioned as a measure that would give Hispanic youngsters the opportunity to learn English, to get into the economy and to climb the ladder of success. The electorate viewed it as a proposition for the underdog. This

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insulated the campaign for 227 against the smear attacks normally leveled against conservatives by the left. Being on the side of poor minority children neutralizes the charges of racism and trumps being against a liberal program.

The Art of Political War identifies Six Principles as guides to the political battle. These are easily mastered and easy to remember. (*The Art of Political War* is available in booklet form by calling 800-752-6562 or going to my website at *www.noleft.com.)* The bottom line principle is this: People will not care about what you have to say unless they believe you care about them. *The art of politics is persuading people who don't know you, and who will never know you except through symbols and soundbites, that you care about them.* Republicans don't pay nearly enough attention to this simple truth.

SOME YEARS ago Ronald Reagan was at a meeting of Democrats and Republicans. During a pause in the proceedings, both sides doodled on the pads in front of them while they waited for the talks to resume. Afterwards, a reporter collected the doodles and discovered that the Republicans had doodled geometric shapes while the Democrats had doodled animals and people's faces. Only one Republican had drawn a face and done a Democrat doodle. That Republican was Ronald Reagan.

In political war the weapons are words and symbols. There is no time during the political process to reach the electorate with lengthy arguments or even short ones. A thirty-second spot is all you have. In these circumstances a slogan, a symbol, a gesture is most of the battle. John F. Kennedy won the black vote in 1960 with a single phone call to Martin Luther King in jail. Until that moment, blacks had been suspicious of the Democratic Party because it was the party of the segregationists. But Kennedy changed that with a single phone call. He did not have to issue a policy statement or a position paper about racial issues. Few people would have read it if he had. Few people would have listened to any speech he might have given. The image was everything. He did not have to decide complex issues about lingering segregation, or about states' rights, or about individual responsibilities. All he had to do was make a phone call.

Recently, a number of leading black intellectuals and political figures made comments on why blacks give Bill Clinton 90 percent support and why many even consider him "the first black president." Their reasons had nothing to do with the policies he has pursued, because many of these have been viewed by these same people as anti-black. Welfare reform has even been denounced by many of them as "racist." The reasons they gave for considering Clinton a friend and even "one of them" is that he plays the saxophone, has made a lot of black appointments, shows up in black churches, has black friends like Vernon Jordan and generally seems comfortable around black people. These are all symbols of where Bill Clinton stands. They convey a single message. He shares things with us. He sympathizes with us. He cares about us. This message trumps any policy or any program he has ever enacted.

There is another reason why Clinton has this advantage with black voters, and has it almost for nothing: Blacks perceive Republicans as alien, even hostile to them. If Republicans are not actual racists, they will associate with racists like the Conservative Citizens Councils that Bob Barr and Trent Lott spoke to. Moreover Republicans don't care. A very prominent black Republican privately complained to Republican National Committee chairman Jim Nicholson that not a single Republican member of Congress had attended Ron Brown's funeral. How could Republicans not have paid tribute to the first black Secretary of Commerce? It's not Ron Brown's politics that caused Republicans to neglect Ron Brown's memorial service. After all, there were Republican members present at Congressman George Brown's funeral and George Brown was practically a Communist. The bottom line is this: Republicans are a Party with almost no black members and despite their stated intentions to include blacks, they don't make the very gestures that Clinton does to show that he cares.

And not only about blacks. A gesture towards blacks affects other minorities as well. It affects everyone who considers himself persecuted, disadvantaged, "under-represented" or "oppressed." It affects just about everybody.

Republicans are no more racists than Democrats are. But Republicans make almost no effort to show that they're not. They make almost no effort to show that they care about what happens to people who live in our inner cities and are suffering from their malignant effects. Republicans have often appointed blacks to significant positions. But unlike Democrat's appointments they are often kept a secret. Pete Wilson appointed a black former welfare mother to head his welfare department and preside over its reforms. Eloise Anderson is one of the most informed and successful public policy experts on welfare issues, a tough-minded conservative and a Republican who served on the welfare task forces of

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Governor Tommy Thompson and New Gingrich as well. Think how powerful Eloise Anderson's voice could be on the social policy issues that are the key to Republicans winning the confidence of minorities and poor people in California! But nobody has ever heard of her. Not even Republicans. Wilson, whose political instincts are normally sharp, kept her a secret. He didn't give her a public platform to make important policy announcements, or showcase her on television at state events. If a political figure is not on television making important policy announcements, they do not exist.

Imagine if Wilson had put Eloise Anderson into the media limelight. Imagine if Eloise Anderson was a household name throughout California, particularly in its large urban centers. Then imagine Eloise Anderson was running for the Senate on the Republican ticket in the year 2000. Imagine what this would do for the Republican ticket. The media would be focused on the question: Is this the new face of the Republican Party? This would ignite the party base. It would fix the attention of independent voters and minority constituencies on the Republican message. It would illuminate the many minority candidates already recruited for the Republican ticket but invisible because of their local profiles. As Miniver Cheevy said in the famous poem, the saddest words are these: it might have been.

The Art of Political War is a guide for Republicans to position the conservative cause as one that will free poor people and minorities from the chains of liberalism.

The Art of Political War is a guide for Republicans to avoid these mistakes, to position the conservative cause as one that will free poor people and minorities from the chains of liberalism and the oppressions of the liberal state. By positioning themselves as champions of working Americans, black, white, Hispanic, Asian and European — all of whom will benefit from the free-market, anti-big government, pro-family agendas of the Republican Party — Republicans can become an electoral majority.

THESE ARE the main points of *The Art of Political War*. John Kurzweil, the editor of the *California Political Review* has written a long critique of *The Art of Political War* ("Ronald Who?") that doesn't even mention them. Like many Republicans, he just doesn't get it. Instead he accuses me of "forgetting Ronald Reagan." He describes me as advocating cynicism and dishonesty for the Republican Party. He rebukes me by defining a conservative as "an honest man." He claims that I recommend copying the Democrats' sins, particularly their dishonesty. I do not understand, he says, what it means to be a conservative. He is saddened by this, and I thank him for the fraternal thought. But his concern is entirely misplaced.

The source of Kurzweil's confusion is that he misunderstands the difference between tactics and strategy. He is like those moderate Republican candidates who say that for reasons of principle they will never go negative and then, at election time, get defined by their left-wing opponents as political "extremists" and lose. This happened to my friend Bruce Herschensohn who would have been the Republican senator from California if he had not allowed Barbara Boxer to run the entire 1992 campaign pretending she was a moderate, then zing him in the last week before the election with a vicious personal attack. As if to show that Republicans never learn, Boxer was able to run the same routine in the 1998 campaign against my friend Matt Fong for the same Senate seat. While she painted Matt as an extremist, he never laid a glove on her. This is not about honesty. It's about political arrogance. It's about thinking that because your principles are superior to your opponent's, the voters are going to reward you with a gold star.

John Kurzweil actually claims that the Republican Party is the party of "virtue," and that this is enough to win if Republicans will only stand on their principles. Well Bruce Herschensohn stood on his principles and what good did that do him? Matt Fong showed that he was the decent candidate and what good did that do? One of the most left-wing and disliked members of the Senate (opposed by the state's two largest liberal papers!) and the biggest spender in the entire congress was able to persuade voters she was moderate and her opponents were extremists (or, in Bruce's case, a hypocrite). That was how she won. Not on the merits of the case. But on the politics of the campaign. My advice to Herschensohn and Fong (which both chose to ignore) was "Slam her early, slam her hard, slam her now." Is there something wrong with that? (Of course the art part of political war is to know how to go negative without seeming mean.)

Kurzweil singles out my discussion of Newt Gingrich and the Democrats' campaign to take him down as my "most explicit plea for Republicans to use Democrats' dishonest tactics." What I said in *The Art of Political War* was that because the Democrats regard politics as war, they knew they had to destroy him. He was the general of the opposing army that had beaten them, and who had won the House for Republicans for the first time in 40 years. They didn't set out to refute Newt's arguments or oppose his policies. They

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set out to eliminate him from the political battle. To wipe out his political capital. To destroy him as a man. They accomplished this by filing one spurious ethics charge after another until they had so tarred his name that nobody outside the Party ranks listened anymore to anything he said. He went on for several years as Speaker but his public capital had been destroyed and his political voice stilled.

THE REPUBLICAN response to this attack on their leader was dumbfounded impotence. It was as though they felt that they either had to suspend judgment about the charges against him in order to honor the process or that they just couldn't believe that the Democrats could play the game so unfairly. But the bottom-line was the same: they didn't fight back. The result was that Gingrich was destroyed. By the time the IRS exonerated him on the one ethics charge years later, Gingrich's career was over. He had been proven more virtuous than, say, Bill Clinton. But politically it meant nothing. Politically, Bill Clinton was able to dance on his grave.

Kurzweil is shocked, shocked! to learn that politicians sometimes make spurious charges and sometimes even shade the truth.

The advice I give to Republicans in *The Art of Political War* is simple: fight back. Strike first when you can, but always fight back. When the first spurious ethics charges were filed against Gingrich, the Republican leadership should have formed a war room and begun filing parallel ethics charges against Minority Leader Richard Gephardt or Minority Whip David Bonior. They should have matched charge for charge until the Democrats gave up. Kurzweil is appalled at this advice to copy a Democrat tactic in order to neutralize it:

> Certainly Republicans should have created a war room and a plan to fight back, but should they have fought back 'in kind'? Men need a reason to fight like tigers, like David Boniors. They need a cause they believe in that is larger than themselves. Right at the center of the Republican cause is honesty.

I had the feeling reading this passage that I was watching the classic film *Casablanca.* Kurzweil is shocked, shocked! to learn that politicians sometimes make spurious charges and sometimes even shade the truth. According to Kurzweil, David Horowitz has forgotten Ronald Reagan who, like George Washington, would never tell a lie. I wonder if John Kurzweil really thinks that Ronald Reagan had no idea he was trading arms for hostages. I wonder if he thinks Reagan didn't know that Ollie North was raising money for the contra freedom fighters when he held those fund-raisers in the White House and brought American patriots, like Dick Scaife and Ellen Garwood, to meet the commander-in-chief.

The relation between principles and politics is always complicated. Politics is about winning elections and implementing programs. Because there is no majority in America that agrees on most important issues, politics is about forming winning coalitions and holding them. It is about getting people who disagree with each other to form an alliance to make things happen. In short, it is about compromise. This doesn't mean it's not also about principle. That is how you form your faction in the coalition. If you are not willing to go to the mat for your core principles, you will lose your base and eventually lose the cause as well. The art of politics is to know how to get your principles implemented without compromising them too much.

Ronald Reagan was a famous compromiser. Throughout his Administration he allowed deficits that no conservative in good conscience could justify. He did so because his choices were limited by political realities. The Democrat spenders controlled the Congress and the government's purse strings. They opposed increases in the military budget and were inclined to appease the Communists during a dangerous Cold War. Ronald Reagan was a political visionary. He wanted to defeat the evil empire and free the economy from the chains of big government. But what made him was the most successful president in the last 40 years was that he focused on what was important to him and didn't let the purists dissuade him from his mission. Reagan's priorities were tax cuts and winning the Cold War. He gave the Democrats their spending programs in order to get them to agree to a radical reduction in marginal tax rates and a dramatic increase in the military budget. He gave one negative (deficits) to get two positives. He compromised principle but for a greater good.

SINCE POLITICS is about winning a high-stakes contest, it can indeed involve means that offend sensitive souls. Bill Clinton has admitted that he studied Reagan's play book to improve his political game. But John Kurzweil wants to deny the same advantage to Republicans. Kurzweil wouldn't even look at Clinton's playbook. He'd rather be right than president. In his review article, Kurzweil demonstrates the very lack of political thinking that is at the root of Republican defeats. He says "Democrats lie and do not undermine their position.

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Why can't Republicans do the same? Because lying is not what we expect of Republicans."

Who is this "we"? It is certainly not the electorate, and especially not the undecided middle that decides elections. What voter in the middle thinks that the difference between Democrats and Republicans is that Democrat politicians lie and Republican politicians tell the truth? The public thinks all politicians lie. From a political point of view, Kurzweil's statement makes no sense at all. That is because Kurzweil is not a political thinker, but an ideological purist. Like too many Republicans, he is comfortable with being a virtuous member of a minority party, so long as he can continue to feel good about his conservative principles. Unfortunately, this means that Democrats will continue to run the government according to the liberal principles he abhors.

The problem of political purism is always with us. Its principal source is that many people confuse the realms of politics and religion. Politics is the art of the possible. Religion is the pursuit of an ideal. In religious matters, integrity of principle is not only an advantage, it is the goal itself. Religion is not about getting tax cuts or building schools. It is about saving souls. Being virtuous and right, having integrity and standing on principle are the very essence of its agendas. You can't compromise with the devil and expect to get into heaven. In politics, on the other hand, compromises with the devil go on all the time, and — despite what John Kurzweil says — on both sides of the political divide. And this oddly enough can be a healthy development. The 20th Century is littered with the corpses of people who got in the way of politicians — Hitler, Lenin, Pol Pot — who thought they were on a religious mission of social redemption. The appropriate places for making people moral and good are churches and synagogues and mosques, not state houses, legislative chambers and congressional hearing rooms.

Kurzweil doesn't really want to face the real world problems that his purist attitude creates. He wants to have it both ways. He thinks that by being morally correct conservatives can win. In fact, he thinks that's the only way they can win. The Republican problem, he says, is not an inability to understand political tactics. The Republican problem is "the loss of backbone," by which he means, the failure to stand up for its principles.

We can agree that squishiness is a Republican problem. When you are on the defensive, you are generally losing the political war. Where Kurzweil and I differ is that I don't think this defensiveness is the result of lack of principle, so much as it is a lack of confidence in facing the enemy. Republicans blink because they are convinced the firepower of the left is superior to their own.

Kurzweil should realize that this is no longer the party of Nelson Rockefeller or even of Bob Michel. If the current Republican Party was naturally squishy, there would have been no Contract With America. The House Republicans became squishy after the "train wreck" of 1995 when they were outgunned by the White House. Yet only two years later they showed they could stand up for principle again during the impeachment process. They disregarded Clinton's 70 percent poll ratings in order to defend the constitutional process. Yet they could hardly be unmindful of the fact that Clinton was able to survive a year no other politician could have survived, because of his mastery of political combat. That naturally made them cautious again.

The Republican problem is that of being psychologically beaten by a politically superior opponent. This has nothing to do with being born compromisers or cowards. The same men, Gingrich, Armey and DeLay who led the class of '94 up the hill and won the famous victories, are the men who led the retreat. The problem is that Republicans are not good at positioning themselves politically to withstand the Democrat attacks. And that is what *The Art of Political War* is about. What I am selling is a way of positioning yourself that protects you from getting creamed.

LOOK AT Clinton and ask yourself: how does he do it? How does he boff an intern in the White House, perjure himself before a Grand Jury, lie to the American people and prevail in political combat at the same time? The answer is the children. The answer is the blacks. The answer is the poor. It's the Democrat version of wrapping yourself in the American flag. He wraps himself in the flag of the "dispossessed." He says: Whatever you think of me, I'm all that stands between "the women, children, minorities and the poor and those mean-spirited Republicans, who are probably racists as well." Until the Republican Party takes this weapon out of the Democrat arsenal, it is doomed to defeat. If Republicans don't convince the American people they care, they will only win when Democrats screw up. Big time.

How can Republicans neutralize the Democrat attack? Read *The Art of Political War.* It's all there. CFR

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Morality in Politics

or

Mistaking Tactics for Strategy

PAT NOLAN

It was painful to watch the implosion of last year's Republican campaigns in California. Fortunately, I was able to observe it from 3,000 miles away. The experience would have been too painful firsthand. I compliment Mr. Kurzweil for attempting to analyze the campaigns by looking behind the strategies and tactics to examine the flawed assumptions that gave birth to such misbegotten game plans.

The underlying assumption of Lungren's strategy appears to have been a syllogism: Jerry Brown left office disliked by the public; Gray Davis was Brown's chief of staff; therefore, the public will dislike Gray Davis. Based on this flawed analysis, Mr. Lungren apparently figured that all he had to do to win was remind the public that he was the Attorney General and that Gray Davis worked for Brown. Unfortunately, Mr. Lungren did not consider that the public would not remember much about a governor who left office 15 years earlier, and that perhaps the public might develop a dislike of him greater than their dislike of Jerry Brown.

On abortion, Mr. Lungren knew he could not avoid talking about the subject, so proceeded to talk too much about it by filming commercials that made no pretense of defending his position, and in essence said, "Look, I am against abortion because I am a Catholic. Now, let's talk about things that are really important," in one stroke offending both pro-aborts and Catholics.

On the discussion as to whether we should shelve any discussion of morality in order to have broader appeal for our political cause, there are troubling implications to that proposal. C.S. Lewis wrote, "Either the maxims of traditional morality must be accepted as axioms ... which neither admit nor require argument to support them ... or else there are no values at all, what we mistook for values being 'projections' of irrational emotions." The conundrum for the GOP is that with traditional morality (which the Founders presumed was necessary for their construct to work) no longer accepted without argument, we find it increasingly difficult to get the public to care about the implications of the loss of that morality.

And yet, without that common acceptance of moral standards our freedom is in danger. C.S. Lewis again provides insight: "The very idea of freedom presupposes some objective moral law, which overarches rulers and ruled alike. Subjectivism about values is eternally incompatible with democracy." Without some commonly accepted notions of right and wrong, who is to say which values are to prevail? Or in the common parlance of the schoolyard bully, "Says who?" Who are we to say that our values are better than Stalin's or Hitler's?

Voters fear that American "Ayatollahs" might impose their version of morality on them. The press of course does its best to portray those who discuss morality as trying to do just that. They seek to portray us as hypocrites: that we want our "morality" to apply to others, not ourselves.

The answer isn't to stop talking about morality, and much

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less to abandon it ourselves, but to practice it in a way that is winsome and not threatening and makes the press look like fools for trying to portray us as book burners. When conservatives discover how to do that again, as Reagan did, we will be able to forge winning majorities.

Pat Nolan is president of Justice Fellowship.

RABBI DANIEL LAPIN

John Kurzweil bats .500 in his analysis of two recent tracts meant to advise GOP leaders on political tactics. He rightly dismisses Bernd Schwieren's "The Emerging Republican Minority" as yet another bit of suicidal propaganda from yet another Reagan-hating "moderate." However, Kurzweil then proceeds to forget many of President Reagan's most important lessons by bashing David Horowitz's brilliant new pamphlet, *The Art of Political War*. Why, oh why, must we conservatives attack one another so remorselessly?

Kurzweil is trying to judge the practices of a salesman by the standards of an engineer.

— Rabbi Daniel Lapin

The question becomes especially poignant when a careful reading of the article shows that Kurzweil himself uses *Horowitz's* principles in his criticism of Schwieren. Kurzweil demonstrates the inanity of Schwieren's arguments by showing the importance of crafting clear, simple political messages; projecting an image of caring about the concerns of the common voter; and demonstrating trust in the ultimate wisdom of the electorate. But these are exactly the techniques Horowitz recommends!

Furthermore, Kurzweil's criticisms of Schwieren make sense, because there he correctly engages on the tactical level, refuting the latter's claims with references to polls, focus groups, the history of recent of intra-party conflicts, voter registration levels, etc. Unfortunately, however, when he turns to Horowitz, Kurzweil switches the discussion to one of abstract political philosophy. (When a conservative quotes *A Man for All Seasons,* Whittaker Chambers, de Tocqueville, Lincoln, and Solzhenytsin, he's not talking about *tactics* anymore.) And thus, the criticisms become hard to follow.

David Horowitz can probe the depths of political philosophy as well as any living writer, but the pamphlet in question was about tactics, not philosophy. Indeed, if we are to respect philosophy, let us recall what its greatest practitioner said on this issue: Aristotle declared that statements made when discussing one discipline must not be evaluated according to the rules and standards of another discipline. The engineering techniques needed to design an automobile are worlds different from the marketing techniques needed to sell the finished product. Kurzweil is trying to judge the practices of a salesman by the standards of an engineer. One doesn't need to be as wise as Aristotle to see that this is a fundamentally unsound endeavor.

Rabbi Daniel Lapin, president of Toward Tradition, is author of America's Real War *(Multnomah Publ., Sisters, OR).*

DANIEL J. GRIMM

In *The Prince,* Nicolo Machiavelli laid out the formula for modern politics: winning is everything, so don't be kept from doing so by any fastidious notions of truth and justice. As Mr. Kurzweil relates, Messrs. Schwieren and Horowitz see in this a blueprint for Republican success. As noxious as this doctrine is in its raw form, it's all the same very common to find pundits doubting the validity of just causes simply because they happen at a given time to be losing in opinion polls. Prevailing is the goal for a fungus, but for an intellect the goal is truth and right. If our society is presently absorbed with fungus politics, the remaining intellects should not join in the rotting but try to fix that problem with the means at our disposal.

As for the working-class allergy to Republicans, I suspect it is due not to keen analysis of Party positions but to a keen sense of smell: they catch from afar the air of superiority. Republicans need a big examination of conscience about clubbiness, the need to affirm ourselves by excluding someone.

Reagan talked down to no one. Having something to say, he didn't need to. Voters sensed in him a brotherhood based on true ideas, and responded.

Daniel J. Grimm is an attorney living in Ojai, California.

ARNOLD STEINBERG

Pundits take politics far more seriously than most people. For many political junkies, ideas don't matter as much as winning. Often it's the chase that counts: frenetic campaigning that brings an adrenaline rush. This helps explain why conservatives encourage unlikely candidates — divorced or unfaithful — who embrace family values. This raises the question of the propriety and efficacy of "holier than thou" politics. The commoners are not stupid. They see the disconnect. Republican meet-

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ings seem like religious revivals, but GOP elected officials act just as Democrats do. To be sure, there are differences (on issues like abortion between Democrats and Republicans). But many differences are increasingly blurred by the common preoccupation with power and influence.

Mr. Kurzweil asks for much: he asks for more. He raises the matter of God. First, we must ask, what is the relationship between God and religion, morality and politics. We cannot answer quickly, because outside of a consensus involving, say, the Ten Commandments, the relationship becomes elusive. That the West is based on the Judaeo-Christian religious tradition is undeniable. But are we asking government to fill the church's role? Of course, many of us would be content if government would stop undoing what the church should do.

Mr. Kurzweil wants a moral GOP, but how can we decide how to apply that religious tradition to public policy? Good Christians or good Jews can honestly differ on Proposition 13. In every election, at nearly every level, all sorts of religious groups of different denominations, and different divisions within each denomination, offer conflicting resolutions on government policies. Some are patently absurd, others are reasonably different views of moral conduct. Did Catholic Cardinal Roger Mahony speak with authority for Catholics when he opposed Proposition 209, which would end race and gender preferences, or Proposition 227, which would end bilingual education? Would the answer be different if the next cardinal were a political conservative? If the GOP is to be a moral party, is it to do so in the way it adopts positions or in the way it conducts itself? Kurzweil talks about the "success" of CCRI, the anti-bilingual initiative, and poll numbers for parental consent for minors abortion or education choice or DOMA. But moral ideas, for political success, require credible messengers. Many Republicans seem to adopt these positions opportunistically and sporadically and so are not taken seriously. Political benefits come from taking a moral course *if people believe you are taking a moral course.* Once your motivation is suspect, forget it.

Kurzweil sees politics as a means, and many of our friends see it as an end. The great David Horowitz is more a tactician than a strategist. Motivated by ideals and ideas, he is deep in the trenches, where he cannot readily see the forest from the trees. As for Kurzweil's customary citation of Ronald Reagan, Reagan was successful partly on account of his ideas. But let's not forget people thought he was a nice guy.

Arnold Steinberg is a strategist.

Prevailing is the goal for a fungus, but for an intellect the goal is truth and right.

— Daniel J. Grimm

JOHN McGRAW

How should we define "victory"? — when our candidate wins a debate? a primary election? Is, in fact, the ultimate success election to public office? I submit these all are means to the end of affecting and shaping public policy and opinion. Republican victory is seeing our policy positions implemented.

In reading Republican Berndt Schwieren's extensive report, his main conclusion is clear: that the Republican Party must change its core principles and values to be a majority party. Absent is an appreciation that political parties form in the first place around shared ideas. Were the GOP to follow Schwieren's recipe — what would we achieve? Not only would the core Party membership become disenfranchised. In the end, if we became the majority, the leftward tilt he advocates would leave us unable to enact policies necessary to limit the size and scope of government. Isn't that why we are Republican?

But Schwieren raises an important question: how do we market our Party to win policy victories through electoral success? Clearly David Horowitz's *The Art of Political War* reflects a lot of thought about this question. It is a good read. I strongly recommend it. (See *www.noleft.com* for a copy.) Horowitz's analysis of our Democrat opponents is sobering, and his all-too-accurate observations about Republican missed opportunities are largely on point.

While the Schwieren report is based on the untenable premise that Republicans will fail as long as we continue to believe what we do, Horowitz's essay is less a critique of Party beliefs than a "blueprint" to achieve a majority within the framework of GOP principles. I read with interest *CPR* Editor John Kurzweil's critique of Horowitz's "battle plan." I leave it to fellow readers to comment on Kurzweil's observations, except to say that Democrat strategists seem to have more "flexibility" in their work — free from the constraints of morality and ethics. In fact, by and large, their core beliefs as a Party seem centered around cultural relativism and situational ethics. We Republicans are a Party of core values, instilled by our Creator. So while I agree we must learn from the Democrats, we must develop strategies using a "filter," choosing methods consistent with our principles and beliefs.

Alexis de Toqueville wrote that "America is great because she is good. When America ceases to be good, she will cease to be great." As we engage our Democrat opponents, our message of hope and opportunity will resonate only if the

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American people understand that our means are consistent with our goal which, I believe, is a virtuous, good people, living in a country with a very limited role for government.

John McGraw is California Republican Party chairman.

WILLIAM E. SARACINO

Bernd Schwieren says the "Reagan Coalition" no longer exists, and that GOP conservatives are trapped in a time warp around 1984. Well, let's see.

George Bush carried the state by a healthy 8 percent in 1988. In 1990 Pete Wilson, running to the center-right with enthusiastic conservative support (can you say "redistricting"?) beat Dianne Feinstein, coming from far behind. In 1994 Republicans took the Assembly, re-elected Wilson, and passed Proposition 187, presumably helped by "Reagan Democrats." In 1996, while losing four Assembly seats, Republicans were the impetus for Proposition 209's victory, again helped by Reagan Democrats. Thus Mr. Schwieren is proposing the equivalent of political "rapture": the sudden disappearance in 1998 of the coalition that prevailed in four of the last six elections.

Of course, no such sudden tectonic shift among voters occurred, but rather a change in what they heard and, hence, their reaction at the polls. Since 1964, liberal and moderate Republicans have tried to prove that "ideas do *not* have consequences," that if we would just "be nice" (*i.e.* abandon bedrock principle) the land of political milk and honey would be ours. Following that advice has gained the GOP only a handy slogan: "been there, done that, lost the election."

David Horowitz is a different kettle of fish — or matzos, as the case may be. I do not share the umbrage taken at his thesis by some of my conservative friends. They say Horowitz abandons morality in pursuit of electoral victory. I say what he wrote is not an ethics tome but a tactical vision for winning. He comes under suspicion for advocating that we sometimes use methods that have proven successful for Democrats and liberals. His conservative critics seem to think that just because a tactic — and remember we are talking tactics, not underlying philosophy here — has been used by our opposition it must be inherently unclean, foul, bewitched, or practiced only by beasts with cloven hooves.

Any fair reading of Horowitz tells us he recognizes that "ideas have consequences," but also that "you catch more flies with honey than vinegar." Proposing honey instead of hellfire, brimstone, and vinegar is not heretical or unconservative. It is smart politics, and sometimes politics is simply tactics. Horowitz's statement that the GOP is woefully deficient in appealing "sound bites" is absolutely correct. And a good "sound bite" is no sign of moral or ideological deficiency. Consider "there you go again" (1980) and "I will not make my opponent's relative youth and inexperience a campaign issue" (1984) — two great sound bites from a man whose moral and ideological underpinnings are, I hope, beyond question.

So all Mr. Horowitz is urging is that we think about how we present our message and the best way to "win friends and influence people." I find little fault in his treatise.

William E. Saracino, a member of CPR's *editorial board, is a Sacramento-based political consultant.*

People no longer believe the Party is sincere about its beliefs.

— Ray Haynes

RAY HAYNES

A liberty majority is emerging and Republicans are losing elections and registration because they have chosen to be less resolute on the issue of liberty — the point Bernd Schwieren misses completely in a report wrong on the facts, the politics, and the principle.

People no longer believe the Party is sincere about its beliefs. In the 1980s and in 1994, Republicans were seen as the Party of smaller government and lower taxes: the Party of liberty. When Republicans raised taxes in 1990 (nationally) and 1991 (in California) and capitulated to Clinton's big government 1995 and 1998 budgets, voters knew Republicans were not honest about their beliefs. They left the Party in droves, which Schwieren properly diagnoses, but they did not join the Democrats. While Republicans lost 5 percent registration statewide, Democrats lost 3 percent. That is: Schwieren's remedy is worse than the disease. In fact, it is the disease. People are leaving a GOP that reminds them of the Democrats. Adopting more Democrat positions won't bring them back.

The politics are wrong as well. Retreating from "social issues" will only alienate Republicans' most loyal supporters. As Pete Wilson might say, politics is a game of addition, not subtraction. Those who registered and vote Republican because of the GOP positions on guns, families, abortion, and taxes will leave if the Party leaves them. Those who say these Party faithful have no place to go should read the last two elections. They went home, and never voted.

Long-term political success requires firm, principled posi-

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tions and the ability to persuade people that those positions are correct. Republicans must neither waiver from their bedrock positions nor fail to convince a majority that those positions most benefit Californians. Loss of support proves Republicans are doing a poor job of persuading, not that their agenda is wrong. But like a pilot with vertigo in the fog, Republicans try to compensate for their errors by compounding them. Either we pull out of the tailspin now, or we crash.

Ray Haynes serves as Republican Whip in the state Senate where he represents California's 36th District (Riverside).

SHAWN STEEL

Would Reagan Approve of the Horowitz Plan? Inspired by California Republicans' incredible 1998 losses, David Horowitz analyzed what Republicans do wrong. Strategic failure? Bad message? As Horowitz puts it: Republicans play politics like gentlemen; Democrats play for keeps. Some of my colleagues embrace a suicidal "rather be right than win" mentality.

The battle is for the unwashed Middle. Democrats do better identifying with these voters. The Middle isn't ideological. It reads and thinks little about politics or politicians. Ronald Reagan was able to pierce its ambivalence. California Republicans are not, for three reasons:

1. Republicans often appear insensitive, arrogant, and paternal. When our gubernatorial candidate opposed bilingual education reform, hesitated on fixing affirmative action, and attacked the voters for supporting marijuana decriminalization, he made the Middle suspicious enough to doom Republicans.

2. Democrats swiped popular conservative issues. Few politicians work harder or with such concentrated discipline as Gray Davis. He follows the polls. The Middle wanted a responsive governor, efficient government, an absolute commitment to crime protection, and more disciplined schools. Gray talked the talk.

3. Democrats are more comfortable among minorities. Republicans stage election-year love affairs with minorities only months before voting. Democrats run year-round operations in all minority communities. It's big news if a GOP Assemblymember manages to hire a Vietnamese-speaking assistant. The legislative Democrat-to-Republican ratio in minority staff is 20-to-1: Bustamante, Villaraigosa, Jackie Speier, Kevin Murray, Barbara Lee, Thomas Calderon, and John Chiang were all staffers, trained in the Dems' farm team. Our Party must build beyond the white community. Our minimal 10-year goal must be to gain the allegiance of 70 percent of the Asian community, 50 percent of the Latino community, and 25 percent of the Black community. Also, last year's trends showed highly-educated people and high-income earners, regardless of race, less likely to vote Republican. Republicans alienate if they appear preachy. Republicans' message will inspire conservatives and reach the Middle when they learn to communicate about eliminating the under-class, radically improving schools, creating safe streets in the inner-city, and consistently fighting taxes.

Horowitz reminds us of Reagan's art of political warfare, lessons Republicans have forgotten. Reagan positioned himself as an outsider and a non-politician, with an enormous impact on the Middle. He never appeared angry or hateful, petty or mean-spirited, enjoyed a good, genuine sense of humor, and compromised every day of his life. And yet, he single-handedly defeated the Evil Empire by speaking the truth.

And Reagan ordered his priorities. He defeated the Evil Empire, though it created the world's largest government deficit. He restored military superiority, but at the cost of expanding the welfare state. Defeating communism came first. We should rethink our priorities and communicate to win.

Shawn Steel is California Republican Party vice-chairman.

STEVE BALDWIN

The problem with many 1996 and 1998 Republican California campaigns was not the emergence of the Latino constituency or the rise of union power (which is actually declining). It was weak Republican candidates who allowed themselves to be defined by consultants based exclusively on polling data, focus groups, and the proverbial wet finger in the air. The farther Republicans moved away from being the Party of less taxes, less government, less laws, less infringement of peoples rights and freedoms, the less they were Republican. As Democrats stole and borrowed Republican ideas and Republicans leaned increasingly toward more moderate ("compassionate") stances, the more blurred the voters' eyes became. After all, voters were trying to focus on what the parties stood for, if anything.

Democrat campaign operatives trying to recover the "Reagan Democrats" who had defected in previous presidential elections concocted a Democrat Party shift toward the center — even, incrementally, towards conservatism. They had to, because, under Reagan, the *country* had moved towards conservatism. But the idea of growing the *Republican* Party by making it more liberal is a recipe for disaster especially among people with principle. It is swimming against the Reagan tide, not with it, as the Democrats have been doing.

In practice, for example, a candidate who says he is personally prolife but running as a pro-abort to increase his chances of being elected is a liar and should be exposed and defeated, not for being "Pro-Choice," but for being dishonest.

Republicans must become the standard bearers of truth. It

(Please turn to page 31)

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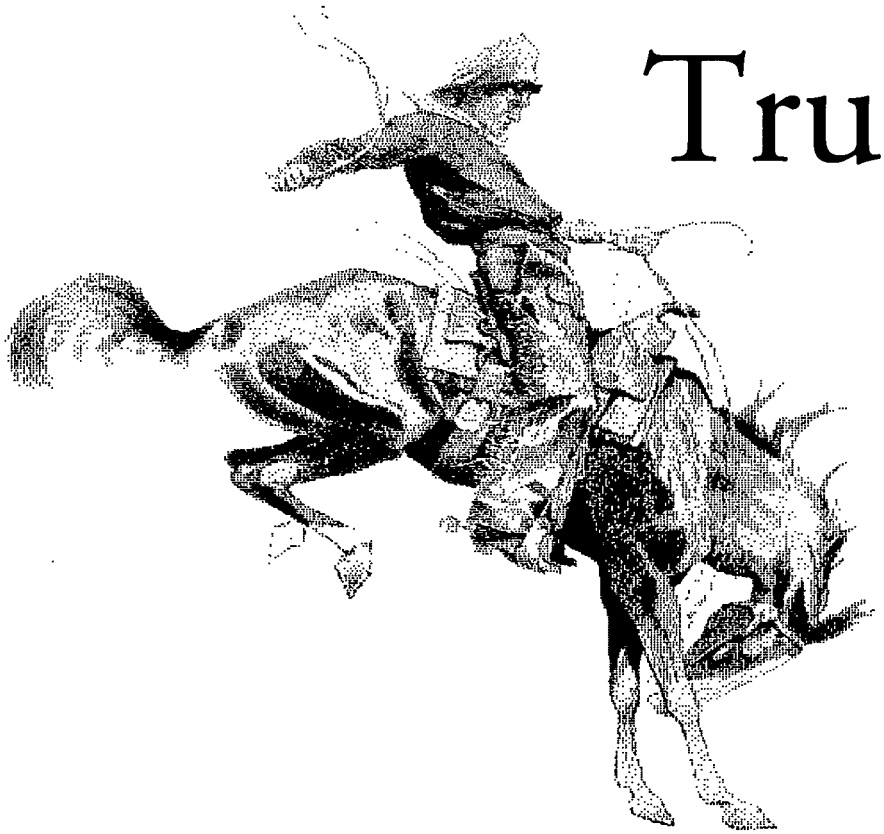

Truth *Does* Matter

AMERICA'S FREEDOM AND REPUBLICAN VICTORY RELY ON HONESTY

JOHN KURZWEIL

MY THANKS to all participants in this discussion and to readers for indulging us. Although Rabbi Lapin calls my essay in the last issue "bashing," when I invited Mr. Horowitz to respond to it, he thanked me for my "respectful (if critical) treatment of my views." I instigated the discussion because I believe Western civilization, which is my cause, advances not as the left does by imposing iron thought control, but by argument about the essential question: what is the truth? Perhaps we mere mortals are presumptuous to take it up, but, with God's help, we advance by it nonetheless. In this same vein, I also believe a true friend will tell you when he thinks you are wrong. I thank my friends who have done so on the preceding pages. I will now try to return the favor.

I thought I had made a straightforward argument: I said, in contrast to Bernd Schwieren's idea that Republicans have exhausted the usefulness of conservative ideas and must move on, that many top Republicans had long ago dropped those ideas and quit being Reaganites at all. I said that, beginning with George Bush's "read my lips" escapade, these Republicans had in fact cut their ties with Ronald Reagan specifically by lying to the voters and, thus, betraying their trust, that their particular lie lay in pretending to be motivated primarily by a desire to serve the people when, in fact, they were in politics to serve themselves. Promise tax cuts, deliver tax increases; promise to lead a restoration of respect for family, religion, and basic freedoms; deliver scorn for the people and their social issue concerns and respect only the power that would crush them. Some respondents apparently think I can't tell the difference between honest, unavoidable compromise and Wilsonite lying and betrayal. I can, and, of course, I was talking about the latter, which has been rampant in the Party, especially at the top.

I said that as a result of this GOP course change from honesty to humbug and from public service to self service, the people, unsurprisingly, have lost faith in the Party. Finally, I said that into this context walks David Horowitz telling us to respect the American people, but not by restoring Reagan's honest relations with them. Rather, we are to jettison what little fig leaves of honesty remain. He specifically urged GOP Congressmen to betray the public trust and their oaths to uphold the law by bringing "plainly phony" charges against their adversaries — a banana-republic abuse of power of the kind used against Pat Nolan. I quoted Mr. Horowitz's statement that our actions should be "consistent with [our] deeply held principles," concluding that, apparently, he did not count honesty among them. I said honesty is at the core of American political institutions, going to some lengths in

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offering supporting evidence, and concluded that Mr. Horowitz's advice on lying must be rejected precisely because it betrays our most "deeply held principles" — the very principles upon which past Republican victories were built and the only possible basis for future ones. That was my case.

NEITHER RABBI LAPIN nor William Saracino directly address my charge that Mr. Horowitz advocates dishonesty. But I infer that Rabbi Lapin would probably dispute it from his statement that "the techniques Horowitz recommends" include "demonstrating trust in the ultimate wisdom of the electorate." Mr. Saracino is more explicit: "all Mr. Horowitz is urging is that we think about how we present our message and the best way to 'win friends and influence people.'" Others have told me they do not think *The Art of Political War* says we should lie. I fail to see how advice to file "completely phony" charges can be reconciled with honesty, and, in his response to my article, Mr. Horowitz himself does not attempt to reconcile it. As this charge is central to my complaint — I will gladly retract my major criticisms any time Mr. Horowitz repudiates lying as GOP policy — I will try here to distill my reasons for concluding that he does say "lie," which I contend is the opposite of placing "trust in the ultimate wisdom of the electorate" and far more than merely urging thoughtful efforts to "win friends and influence people."

(1) In his reply in this issue of *CPR*, Mr. Horowitz summarizes his advice in *The Art of Political War* to Republicans regarding Newt Gingrich as:

> ... simple: fight back. Strike first when you can, but always fight back. When the first spurious ethics charges were filed against Gingrich, the Republican leadership should have formed a war room and begun filing parallel ethics charges against Minority Leader Richard Gephardt or Minority Whip David Bonior. They should have matched charge for charge until the Democrats gave up. Kurzweil is appalled at this advice to copy a Democrat tactic in order to neutralize it.

He then quotes my question "should [Republicans] have fought back 'in kind'?" but without reminding readers of the specific passage in his pamphlet to which my question referred. *The Art of Political War* says *more* than just "fight back." It says:

> Republicans would never think to file charges they knew had no chance of sticking, let alone charges that were completely phony. But Democrats understood that while the phony charges were filed in public, they would be discarded in private ....
>
> [Republicans] should have remembered they were in a war. They should have responded in kind ....

And then the advice about matching "charge for charge." Any fair reading of this passage, to borrow Mr. Saracino's apt phrase, certainly indicates that Mr. Horowitz considers filing dishonest charges to be not only admissible but wise tactics. But he says more: in the full passage and in his reply here, he virtually equates "responding in kind" with "fighting back," as if to say that any objection to the idea of Republicans filing false charges is tantamount to telling our side *not* to fight back, to quit. That is, not only is dishonesty fair, it is necessary. After all, we are in a war.

(2) In his reply, Mr. Horowitz quotes me saying "Right at the center of the Republican cause is honesty." He does *not* quote the next two sentences from my article: "In the context of the impeachment, honesty is the basis of the rule of law, which is the basis of constitutional government and of a republic — which is to say, it is the basis of the American system that Republican conservatives exist to conserve. If Republicans fight back 'in kind' they undermine their own position." Why skip this expansion on my point? Because its plain reasonableness complicates what Mr. Horowitz wants to do: ridicule the idea that honesty is central to the Republican cause. Instead, he writes:

> I had the feeling reading this passage that I was watching the classic film *Casablanca.* Kurzweil is shocked, shocked! to learn that politicians sometimes make spurious charges and sometimes even shade the truth. According to Kurzweil, David Horowitz has forgotten Ronald Reagan who, like George Washington, would never tell a lie.

The *Casablanca* scene involves a "poor corrupt official" who, when his superiors tell him to find a pretext for closing Rick's Cafe, proclaims himself "shocked, shocked to find that gambling is going on in here," even while a waiter is handing him his winnings from the tables. The scene illustrates a cynical hypocrisy so gross it's funny. Mr. Horowitz appropriates the humor at my expense, but somehow reverses the point. We're no longer laughing at cynical hypocrisy but at helpless innocence: foolish Kurzweil, being shocked that politicians

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lie. He probably believes fairy tales about Washington and Reagan too. Ignoring, for the moment, his "completely phony" characterization of my argument about honesty and the Republican cause, I only ask here: what is Horowitz's unmistakable message regarding lying? It is, of course, that no one objects to it, save naive fools.

(3) Next we are told: "The relation between principles and politics is always complicated. Politics is about winning elections and implementing programs." Because winning requires forming coalitions of diverse elements, he continues, politics is also "about compromise. This doesn't mean it's not also about principle. That is how you form your faction in the coalition. If you are not willing to go to the mat for your core principles, you will lose your base and eventually lose the cause as well. The art of politics is to know how to get your principles implemented without compromising them too much." Principle, that is, serves at the convenience of winning. Go ahead and compromise, but not so much that you endanger your ultimate victory. Such principles have no intrinsic importance. We do not live by them because they are right, in accord with a moral imperative; we use them to "form [our] faction in the coalition." We compromise or go-to-the-mat for them depending strictly upon which course seems most expedient. Again, in context, no "fair reading" here can bear any interpretation other than that Mr. Horowitz believes at least some lying is not only permissible but required. His examples of Reagan "compromises" are irrelevant. They did not involve matters of basic principle, only priorities. One could as well argue that the allies' decision to knock off Hitler before going after the Japanese somehow amounted to a "compromise" of basic principle. Nonsense. But by bringing these examples into a debate with me about telling the truth, Mr. Horowitz plainly means to show us that Reagan's compromises justify further GOP compromise with the basic principle of honesty.

If anyone remains unconvinced that Mr. Horowitz advises lying, a simple way to settle the matter would be to ask him to repudiate it publicly.

That, as I say, is more than enough evidence for me. If anyone remains unconvinced that Mr. Horowitz advises lying, a simple way to settle the matter would be to ask him to repudiate it publicly. As I said earlier, if he does so, I will withdraw my main criticisms of his booklet. I do not think he will.

But is honesty a "basic principle"? The "this is tactics, not strategy" defense implies it is not, that, rather, it is just one of our tactical weapons to be pulled out or kept hidden depending upon the situation. Again nonsense. The trouble with lying is knowing when, or even how, to stop. As long as we're recalling classic Bogart films, think of the pathetic scene in *The Maltese Falcon* when Mary Astor — Miss Wonderly — moans about her weariness with "lying and making up lies" — that will give you a fair idea of the prevailing atmosphere in many American court rooms, and of our national political culture, especially whenever Bill Clinton hoves into view, an atmosphere Mr. Horowitz invites Republicans to add to even more than they do already.

But countenancing lying not only consigns us to a chaos of endless deception — of ourselves as much, if not more, than of others. It also declares God no longer a matter of necessity, but of convenience. We conjure Him up when it suits our purposes to do so; we lay Him aside on the same basis. Most of Mr. Horowitz's response is devoted to exploring from various angles the inappropriateness he sees in concerning ourselves with God or virtue or principle in the heat of political battle (except as necessary to maintain our faction in the coalition, like Stalin raising the cry of "Mother Russia" to rally the people against Hitler). For having done so, specifically with regard to His commandment to be honest, I am shown, in Mr. Horowitz's view, to be confused about the difference between tactics and strategy, to be like GOP politicians who foolishly won't "go negative" (which may surprise readers of *CPR* the past 10 years), I am said to believe that it "is enough to win if Republicans will only stand on their principles," I have confused "the realms of politics and religion," I am a "purist" who does not "really want to face the real world problems that [my] purist attitude creates," and, finally, I am marching the GOP straight into the ranks of "Hitler, Lenin, and Pol Pot" — others "who thought they were on a religious mission of social redemption." About the only explanation for my strange objection to countenancing lying he does *not* consider is the simple one that God told us not to do it and I not only fear His punishment but observe that, as my Creator and the Creator of the universe, He surely knows better than I do the wisest way to proceed.

BUT THIS is by no means all Mr. Horowitz's response ignores. We find, for instance, a confused explanation of morality, which Mr. Horowitz consigns to the "realm of religion" where we pursue "an ideal," as opposed to the "realm of politics" where we do "the possible." Being virtuous and right and having integrity, he says, are either good or bad depending on the context: in

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religion, they are good — "the very essence of its agendas" — but in politics, we find "a healthy development," namely, that "compromises with the devil go on all the time, and — despite what John Kurzweil says — on both sides of the political divide." Why is this healthy? Because "the 20th Century is littered with the corpses of people who got in the way of politicians — Hitler, Lenin, Pol Pot — who thought they were on a religious mission of social redemption."

WHY ALL the hyperventilating? If he would calm down, Mr. Horowitz might notice the patent absurdity of this passage. I spend more than half my article criticizing Republicans for lying, and then he writes that, "despite what John Kurzweil says," Republicans "compromise with the devil" as though he thinks that contradicts what I've said. Nowhere in this out-of-thin-air blather, which far more resembles a Ramona Ripston treatise on the Wall of Separation Doctrine than anything reasonably ascribable to a conservative writer, is the simple Western understanding of man's moral problem: that there is good which we are free either to choose or reject, that it is wise to choose good, which includes honesty, and that failing to choose it brings evil. There is no ground anywhere in authentic Western thought for the idea of building a wall around right and wrong, sequestering consideration of them within Sabbath days, while sweeping them under the rug the rest of the week. Mr. Horowitz even attempts to transform what people normally call hypocrisy into a virtue (a virtue strangely exempt from the ban on moral concerns in politics): remembering that right and wrong, like God Himself, are matters of convenience is how we guard against the rise of mad, blood-witted tyrants.

Countenancing lying declares God no longer a matter of necessity, but of convenience.

Another conspicuous omission: Nowhere does Mr. Horowitz so much as acknowledge, much less justify, his throwing over Thomas Jefferson's and the Founding Fathers' specific application of the *preeminence of God's law over political affairs* in the Declaration of Independence that is the justification for the nation's founding. What possible conclusion does he permit except that he thinks unimportant and inapplicable the phrases: "all men are *created* equal, that they are *endowed by their Creator* with certain unalienable rights" and that "governments are instituted among men" to "secure these rights." The Founders pronounced King George's authority to govern them eviscerated and forfeit specifically because he had transgressed the limitations placed by God, not men, on government. This is the American political reality conservatives exist to conserve. Now, Mr. Horowitz is free to jettison the moral, philosophical, religious, social, legal, and even political bases of America's founding if he so chooses, but, when he does, *we* are not free to call it a mere matter of "tactics." To countenance lying assaults our first principles, as Mr. Horowitz proves by extending his defense of it to the point of declaring religion out of bounds in politics and declaring "compromises with the devil" to be "healthy." With reference to Rabbi Lapin's comments, when we do that, we are not talking about tactics anymore.

Having excluded religion and the American heritage from the discussion, Mr. Horowitz finds it a small matter to dispose of Ronald Reagan's lifetime dedication to integrity — we presume he once told lies about Iran-Contra, so that demolishes my notion that he would not approve of lying as policy. Again there is no basis outside the fever swamps of the left for the caricatured idea of morality Mr. Horowitz applies again and again: that the existence of moral failure among Republicans proves that urging them to strive for moral perfection is useless, foolish, and likely to breed the next Pol Pot. If men did not fall, we would have no need to exhort them to virtue. The more we fall, the greater the need for the exhortation. It is as if the existence of broken bones was offered as proof that calling for doctors and hospitals was absurdly misguided. "John Kurzweil actually claims that the Republican Party is the party of 'virtue' ...." I said the cause of virtue provides the Republican Party a reason to *be* and that without that cause, the Party loses because the voters see it for what it then becomes: a Rube Goldberg contraption existing for no purpose except self-perpetuation. Mr. Horowitz chides me for writing that "lying is not what we expect of Republicans." "Who is this 'we'?" he asks. "It is certainly not the electorate, and especially not the undecided middle that decides elections." I guess the universal perception that George Bush fell precisely for lying when he said "read my lips" must have been mistaken. On the topic of son George W. and the cocaine question, the *Wall Street Journal's* Paul A. Gigot wrote August 20 that:

> Democrats are desperate to define Republican deviency down to Clinton levels .... All the more so because Mr. Bush's lead in the polls is so clearly based on the American public's desire to take a shower. In the latest "Battleground" survey, the GOP edge over Democrats on "restoring moral values" is an epic 41 percentage points. In Iowa last week, the only certain applause line from every Republican candidate was a version of, "I will restore dignity and honor to the Oval Office" .... Every Bush

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supporter I spoke with in Iowa explained that (a) he could win, and (b) he'd govern with integrity. No one cited his education or tax plans.

Democrats know this too, which is why Tom Daschle goaded the media to probe Mr. Bush's cocaine use earlier this month. The normally super-cautious Senate Democratic leader knows that *if Mr. Bush can be cut down to Clinton's moral size,* Democrats can run on peace and prosperity and keep the White House. [Emphasis added]

Mr. Gigot later explained that "Republicans can't get away with the same things Democrats can. Even if the underlying behavior is no different, the Republicans will always be scored for 'hypocrisy' because he [Bush] represents *the Party of personal responsibility."* [Emphasis added]

Who, indeed, is this "we"? Count, besides me: Paul Gigot, respondents to the "Battleground" survey, Bush's Iowa supporters, the Senate Democrat leader, and the press hoards who smelled blood in the water the minute George W. seemed caught in the merest hint of hiding the truth. Also William J. Bennett who, in a column urging George W. to answer the cocaine question, wrote: "we should want as our president a person of good character, candor, integrity." It cannot be too much to conclude that Mr. Bennett does not believe wanting such things invites another Pol Pot.

At first glance, it may seem strange that Mr. Horowitz brings out the heavy artillery just because I say we cannot countenance lying. If his main point is really just that Republicans' primary reason for losing is that they do a poor job of crafting sound bites, of marketing potent symbols that connect with The Middle at a level that will move them, and so on, surely we can drop lying and still proceed on the basis of his advice without losing anything vital to it. But rather than say, indulgently: okay, hold onto your quaint notions about honesty if you must, but otherwise implement the approach I recommend, Mr. Horowitz instead reads my moral concern right out of the discussion. Why? Because the real point at issue here is far more than tactics and even honesty versus lying. It is a contest of wills: man's versus God's. God says don't lie; Mr. Horowitz says do what you have to, as you perceive it, to win the political battle. Even when we show, with mountains of evidence, that lying is poor tactics for Republicans, he is not dissuaded. He answers it with ridicule. Again, why? Because Mr. Horowitz is unwilling to allow anything — not God, not honesty, not the core elements of our Western political heritage, and, finally, not even the requirements of genuinely good GOP tactics — to trump his determination to do whatever he thinks expedient in his chosen profession. For him, there must be no rules, because rules might someday stand in the way of a maneuver he thinks might be effective. To restrain oneself in that circumstance requires faith in a reality larger than oneself and larger than politics. As I wrote in my original article: "honesty is intrinsically important only 'under God.' By definition, if no authority exists above man, nothing exists to condemn lies or sanctify truth." Mr. Horowitz bears out this conclusion in his inability not only to see the importance of sticking to the truth, but in the scorn he heaps on the moral imperative I commend.

His advice is fatal to Republicans because it is fatal to the American proposition Republicans exist to defend: "a truth that lies beyond politics," to repeat John Courtney Murray's words quoted in my original article. The American proposition, Murray wrote, "imparts to politics a fundamental human meaning. I mean the sovereignty of God over nations as well as over individual men" — all the time, not just when convenient. Lose *that,* and you have found the real way to conjure up the next Hitler, Lenin, and Pol Pot — the exact method by which they were created in the past. CPR

Haynes

(Continued from page 12)

balance and found wanting. Our strength can only come from unity, but we were anything but united. The Assembly Republicans and the Senate Republicans fought first within their caucus, and then with each other. In the process, no coherent argument was made for small government; no contrast was drawn with the Democrats. In the end, the last thing the public sees is a contest between Republicans over securing more money for their districts. It appears for all the world that we are pursuing an agenda of self-interest, and not policies based on principle. That is the consequence of a disunity. We are sowing the wind; I only hope that we do not reap the whirlwind. We are not doing much to avoid it. CPR

Baldwin

(Continued from page 26)

is important for the Party; it is crucial for the nation. Republicans and the nation can use the truth as a political beacon, drawing the honest, sincere, and God-fearing home.

CPR *Education Correspondent Steve Baldwin represents California's 77th district in the state Assembly (La Mesa).*

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CRITICUS

The Squalor of Opulence

BY G.B. TENNYSON

Babylon is fallen, is fallen, that great city. . .

FLYING INTO McCarron Airport in Las Vegas on one of those blindingly bright desert afternoons you see the Las Vegas Strip only a short distance away stretched out like the high end of the Monopoly board, with hotels piled up and packed together on Broadway and Park Place and all the rest a nondescript flatland. One knows that off in the distance are the lesser Tennessee, Atlantic, and Mediterranean Avenue areas, such as the old original downtown Las Vegas, and that farther away yet in north Vegas are the proliferating housing tracts and gated retirement enclaves lurking there like future dolmens or hecatombs in the wasteland. But it is the great pleasure domes that grab the eye and that on closer approach grow larger and larger as though they had collectively swallowed the contents of one of Alice's "Drink Me" bottles and begun swelling into immensity.

It was to one such immensity that Criticus betook himself on a warm summer week with the aim in mind of enjoying a small family reunion with three cousins suitable for the occasion, which is to say, three who liked gambling and casinos. One, a first cousin twice removed whom Criticus had not seen for donkey's years, was celebrating his twenty-first birthday by being able to gamble legally in the gambling capital of the world. He was carded several times, once by a tart of a blackjack dealer who impertinently remarked of his driver's license, "That's a good forgery." Well, he does look young, but the help should know its place. The other two cousins, also not long seen — a first cousin *tout simple,* and her husband, hence a cousin-in-law — were seasoned gambling veterans and proved it by actually coming out somewhere near even when all was done, a considerably better record than Criticus himself could boast.

Criticus also took the occasion of visiting Las Vegas to arrange to have dinner with a longtime and rather raffish but ever good-humored friend who lives and, very occasionally, works there. We'll call him Seymour. To see him in operation one would think he was a bookie or drug runner, for he is inseparable from his mobile phone, but I discovered that the object of his endless phoning is simply to inquire after the well-being at any given moment of his girlfriend or the well-being at any given moment of his brother's dog. This, I suspect, is largely what all those other joined-at-the-ear cell phone users are up to. When I told Seymour I would be in Vegas to visit with my cousins, he took it

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into his head that these were country cousins from Arkansas, and nothing I could say to him subsequently could disabuse him of this notion. In fact, the people he thought were the Clampetts are horse breeders from the Maryland hunt country, but Seymour persists to this day in thinking otherwise, and Criticus took up the notion and began referring to them in Seymouristic terms.

When Ellie May and I weren't gambling (Jed and Jethro kept at it pretty steadily, with side trips by Jethro to casino discos), we were fondly remembering old times and old tales and laughing at gilded butterflies and generally being God's spies looking down at the dizzying pace of the world. When not doing that, we were visiting virtually all of the larger hotels on the strip, where, come to think of it, we occasionally gambled as well. On these forays Jethro and, once, Jed also came along. The loftier purpose of such visits, however, was for Criticus to see for himself the New Las Vegas, so he could give Constant Readers an authoritative cultural report on the meaning of it all.

It is evident from the names alone that in modern Vegas gambling and desert terms have lost their savor.

Probably no one old enough to read these lines is unaware of the general history of Las Vegas, so I need not rehearse it in detail. Instead I offer a capsule version based on the names and locations of casinos. In the beginning there was what is now downtown Vegas, the Fremont Street area, with hotels and casinos such as the Golden Nugget, Binion's Horseshoe (an art deco gem, by the way), the Four Queens, and Lady Luck. In other words, names emphasizing gambling. After the war when Vegas moved uptown, so to speak, to what is known as the Strip, and when high rise hotel-casinos featuring entertainers and musical and variety shows appeared, the places bore names like the Sands, the Sahara, the Aladdin, the Desert Inn, suggesting vaguely some middle eastern retreats. Though this second phase emphasized entertainment as well as gambling, it still meant that Vegas was dominated by high rollers, Hollywood glitterati, and Mafia mobsters. No wonder the Rat Pack was at home there and is now being memorialized by a show at the Desert Inn in which modern performers attempt to recreate the famous five of that era.

It appears it was Caesar's Palace that led the way to the current round of names as well as to the mega family-resort-hotel-cum-theme-park concept that now dominates. So we have such grandiosities in the 3,000-room range as the Excalibur, the Mirage, the Tropicana, the Luxor, the Mandalay Bay, New York New York, the MGM Grand, the Stratosphere, and most recently the Bellagio and the Venetian, the latter just opened in June and boasting "every room a suite." Italy, you can see, has been getting a good workout, and one half expected the next giant hotel to be the Naples or even the Sicilian, but instead the latest is Paris, which opened just after Criticus had left but not before he inspected its completed exterior, of which more later.

It is evident from the names alone that in modern Vegas gambling and desert terms (save for the Mirage) have lost their savor. Rather, names that suggest other, mostly exotic places dominate, showing how far Vegas has gone in trying to move upscale, away from the common associations with gambling. Indeed, *gambling* is a word shunned in the New Vegas in favor of *gaming,* a word also adopted by the state, as in Nevada Gaming Commission, and presumably thought to be more genteel than gambling.

Of the New Vegas, Criticus was already familiar with a good deal, not least the names of the recent hotels. But most of them had gone up or been enlarged since Criticus had last been in Las Vegas. He felt it his duty as Casino Correspondent to inspect as many as time allowed, setting himself a goal of a dozen. Time permitted inspections of only about 10, but each will be reported on with varying degrees of fullness.

BEGINNING AT the farthest reach of the Strip we looked in on Mandalay Bay. This was much favored by Jethro because it has not only a disco but a very large swimming pool area dense with palms, waterways for gliding along on rubber rafts, and above all an imitation lagoon onto which machine-generated waves come up, if not quite like thunderous dawns, at least with a bit of a surge as they roll to the shore carrying with them swimming revelers. All that Criticus found lacking was a recording of, say, Lawrence Tibbett singing "On the Road to Mandalay" or, better yet, a recording of the poem recited in the Cockney dialect it was originally written in. This would have subdued the jollity, but it is worth remembering that were it not for Kipling very few would ever have heard of Mandalay, and those few are mostly now in their rocking chairs, Kipling having been long since

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banned from the schoolroom for political incorrectness. Quite wrongly, of course, as the poem is about a British soldier's longing for a Burmese girl, which today would be celebrated as flouting convention.

Adjacent to the Mandalay Bay and connected to it by a sleek tram manufactured by the Austrian company that makes quad lifts for ski resorts lies, or rather rises up, the Luxor. This is the golden-colored pyramid-shaped hotel in front of which sits a massive Sphinx. One evening while Jethro was disco-ing at the "Ra" in Luxor, the rest of us Clampetts were gambling not far away. Criticus had already squandered rather too much on dollar slot machines, which don't seem to be paying at all well anywhere in Vegas this season, so he repaired to his eternal favorite, roulette, while Jed and Ellie May ensconced themselves at the blackjack table. The nice thing about roulette is that it took me an hour and half to lose $100, and I walked away with one of three free drinks they offered, which meant that for a mere $33 and change I had bought a quite small lowball glass. On the almost brighter side, we think it was at the Luxor where we spotted a Krispy Kreme concession, and I resolved to return there on a later day to buy one of those delights that are only now reaching the western states, figuring it would cost less than $33 and taste better than watered whisky. But I never got back.

INSTEAD WE moved on to the Excalibur, also connected by the tram. The pictures of this *faux* mediaeval castle are so ubiquitous that I am sure everyone knows what it looks like outside. Inside is even worse. Imagine, if you will, the designer of a miniature golf course being given an illustrated book of Arthurian legends and told to go at it. As for the footbridge-adjacent New York New York, with its imitation Statue of Liberty and its imitation New York Stock Exchange intertwined with a roller coaster (Coney Island?) the best that Criticus can manage to say for it is that it is smaller than the actual New York.

Over another footbridge, this one spanning the Strip itself, to the MGM Grand with, on the corner, an enormous golden lion, said to bear the name "Metro." As with all the other newer hotels, the Grand has a theme, in this case, the movies, or at least MGM movies. Pictures of stars, a live lion habitat display, a restaurant called the Brown Derby, and so on. Also, as with so many of these theme hotels, the designers occasionally forget which imitation they are in. Why, for instance, should the Mandalay Bay have a House of Blues disco or a Russian restaurant called Red Square, or the Excalibur a WCW Nitro Grill featuring big screen wrestling matches, or the Monte Carlo a pub and micro brewery, or the MGM Grand a Studio 54 disco as though Andy Warhol or the wayward-wanton Edie Sedgwick had anything to do with MGM? The answer is that these compounds seek to be all entertaining things to all entertainment-challenged people and sometimes the theme just doesn't encompass everything, so they add another kitchen sink. Thus most of the Strip hotels have not only a half-dozen or more restaurants in every price range but they seem all to have a Chinese one and most have an Italian and a Japanese one as well and many have a southwestern one. The Grand even has an outpost of Nathan's Famous offering hot dogs better left in New York, or in New York New York.

On the last day that the cousins were there (Criticus was staying a day longer), three of us left Jed to the craps table and to a variation on Blackjack called Spanish 21 (blackjack with no number ten cards, who knows why?) which he had unaccountably become attached to. We proceeded to the Venetian, which obliged us to submit to a Vegas scam that is more costly than roulette, more like slot machines. That is to say, we took a cab. Las Vegas Boulevard, the Strip, is very wide but quite crowded with vehicles, mostly cabs, so progress is slow. To insure that it be even slower the powers have so set the light sequences that at best one can move only one block at a time and sometimes it takes two or three lights to reach the next street. The meter runs the whole while. Thus, although you could see the Venetian just a few streets away, the time to get there was perhaps ten minutes and the tariff was $7. The outside temperature being 102°, we had little alternative.

The Venetian of course seeks to imitate the Queen of the Adriatic and does it in typical Vegas style. That is, it simply throws together every obvious thing one can think of about Venice and imitates it inside an overpoweringly massive structure. The parking attendants, male and female, are dressed as gondoliers, there is an imitation St. Mark's Square and an imitation Grand Canal with imitation gondolas which one can pay to ride in, propelled forward by imitation gondo-

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liers under an imitation Rialto Bridge and an imitation blue sky overhead flecked with imitation white clouds. Curiously, this sky actually darkens the scene in comparison with the real and brilliant summer sky outside, but the false sky will not let in any rain or cold, which makes it really quite unlike Venice in the winter, or for that matter Las Vegas. Alongside the twisting but much abbreviated Grand Canal the Venetian has lined up its shops, thirty-eight (!) of them now open says the publicity. One wonders whether it is a hotel or a shopping mall, though it's rather upmarket for your everyday mall. So, just to insure that the otherwise pretentious and self-important Venetian does not entirely forget the common folk, one of its offerings is a Madame Tussaud's museum called "Celebrity Encounter" featuring wax models of "over a hundred of your favorite celebrities." It sounded too horrible to visit.

After the cousins had left at midday the next day, Criticus, knowing he was to meet Seymour for dinner, found he had time for only one more hotel excursion, though he dearly wanted to add another, namely the Stratosphere, which having been built by, and been the downfall of, Bob Stupak, promised to be a pinnacle of vulgarity. Stupak had owned what Criticus remembers from the past as the loudest, most neon-ridden, most vulgar casino he has ever seen. So bad it was good. The late Madame Criticus was duly appalled, but like Jed she settled down at the craps table and let the world go by. This wonder place was called the Vegas World and on its site Stupak constructed the Stratosphere, but somehow it financially collapsed upon him. Even the roller coaster on the top of what looks like the Seattle Space Needle began to malfunction. It was all taken over by others, and I only hope they preserved the Stupak style. If so, it certainly qualifies as *vaut le voyage.* Under my time constraints, however, it was not worth the taxi ride.

So, it was onward by means of a monorail behind the Grand, taking one to Bally's and passing the while the pools and parks and water rides affiliated with these hotels though cagily charging separate admission. Debouching from the monorail, one moves through the rather boring Bally's already showing its age and its lack of any current-day *de rigueur* distinctive theme to another over-the-street footbridge leading to Bellagio, from which yet another footbridge leads to Caesar's Palace, only glanced at this time. These little trams, monorails, and footbridges are attempts to thwart the taxi monopoly: may their tribe increase.

Along with the Venetian, the Bellagio was one of the two hotels Criticus most wanted to visit. And not because Seymour had once fleetingly worked there, though that gave it a piquant, personal touch, the site of any Seymour employment being a great rarity. No, it was because it had opened last October to such fanfare, both as a structure and as the repository of an expensive art collection amassed by its owner, the Las Vegas casino tycoon Steve Wynn, who also owns the Mirage (the one with the pretend volcano in front and Siegfried and Roy inside) and the Golden Nugget. Bellagio is supposed to reflect the Italian lakeside town of the same name on the shores of Lake Como. If anything the size of this hotel ever went up on those shores, you can be sure that the Italian government would invite President Bubba to bomb it as if it were Serbia or Iraq.

Many a grand hostelry elsewhere in the world has some paintings and sculpture of undoubted quality, but none I know of has an actual art gallery with Monets and Van Goghs and Jackson Pollocks. So Bellagio, thought Criticus, must be very special. Initial signs were encouraging. The Bellagio has highly visible notices upon entering to the effect that the hotel does not permit in its halls anyone under the age of eighteen, and those who are must be prepared to show room identification upon request. It means that the vast army of morbidly obese proles, adult and minor, who crowd, trip, and jostle on the floors of every other casino, including even the "gaming areas" (why is this not illegal? where are the narcs when you really need them?), are blessedly absent from the Bellagio. Like the Venetian, the seemingly endless long marble corridors have in some measure an almost European feel, albeit too contrived, a bit too large, as though the model were less a hotel of *grand luxe et tradition* like, say, the Beau Rivage Palace in Lausanne than like Buckingham Palace. And where a hotel like the London or Paris Ritz will have a bar and restaurant or two and a boutique here and there, such as a Cartier or a Van Cleef and Arpels, the Bellagio has nine restaurants and many shops. Among the latter there are Chanel, Giorgio Armani (and not the XChange, thank you), Tiffany, Gucci, Hermès. Among the restaurants, Criticus lingered for a moment outside the Picasso, which features real Picassos on the walls, just to study the menu. The cheaper of the two *prix fixe* lunches was $85, the same price the Bellagio shop was asking for a polo shirt with its logo on it.

All of this was appropriately sobering after the intoxication of the elegance of the setting. Even more sobering was the encounter with the Bellagio art gallery. It turns out that this highly publicized feature has an admission charge, $10 I think, and worse, had a very long

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line indeed, too long for Criticus to stand around in. The admission charge was a bit of a surprise, but then I learned Steve Wynn had in May bought for his gallery a Seurat for $35.2 million. I also learned he later bought a Cèzanne shortly after it had sold at auction for $60.5 million, a price he presumably had to top to induce its new owner to let it go. When you part with that kind of petty cash, you must charge admission.

THE SHOP next to the gallery sold reproductions, videos, and various kinds of kitsch from the collection, just as do gallery shops the world over, so one could pretty well tell what was in the gallery. Impressive for a single collection, to be sure, but it's not the Metropolitan. There was a stack of four ceramic squares, four by four inches, which reproduced some Jackson Pollock dribblings, diverting as decoration, even if probably intolerable in full form on a wall. An eager saleswoman tried to hustle Criticus into buying this little set. It cost $125, making each tray about the same price as Criticus's drink at the Luxor. "And what do you do with them," I asked. She thought and thought and finally said, "Use them for a hot plate."

Across from the Bellagio and next door to Bally's stands the newest Strip mega hotel, Paris. It had not opened when I was there, but the outside had been completed. It was a relief to see that they have finally exhausted the Italian theme, but it was still like old times to note that the way of setting up the Paris was completely in tune with all the rest. Think of famous Parisian landmarks. How about the Eiffel Tower and the Arc de Triomphe? Think of typically Parisian things. How about sidewalk cafés and croissants? Throw in the Hall of Mirrors from Versailles (it's only a few miles outside of Paris), and *voila!* it's Paris. Or at least as much Paris as Middle America is disposed to want to encounter. This does not include cathedrals like Notre Dame, of course. Mustn't overdo it and rile the ACLU with the wrong sort of imitations.

And that is finally what Las Vegas is about. It is designed to be a gathering of imitations because that is what its customers want. Not the actual Paris, or Venice, or Egypt, or Mandalay but a safe and sanitized Cecil B. DeMille imitation of those places. And having them all together is very much cheaper than separate trips, even if you have to pay Vegas taxi prices. It is the paradigm of what has become the American Dream. But at the heart of it is a great void, a spiritual squalor. For all its glitz and neon, Vegas lacks a soul. It is like the backlot of Universal or Warner Brothers, where Manhattan streets and Old West saloons forlornly jostle one another, a miscellaneous collection of stage sets.

One is reminded of the current novel by Julian Barnes, *England, England.* It projects a future in which the entire Isle of Wight has been turned into a theme park featuring imitations of all the celebrated facets of English life and history from knights in armor to Westminster Abbey to a replica of Buckingham Palace where the royals appear on the balcony once every day and wave to the crowd. By this means, no one need visit the rest of actual England at all. This Barnesian conceit has been most favorably received by the chattering classes in its home country as a brilliantly original idea. This can only mean that these sophisticates have not been to Las Vegas and that Barnes has. He may even have wanted to nab this idea for print before the latest Disneyism opens in Orange Country where the Imagineers are preparing a theme park to be called California Adventure. It will replicate the most famous objects and places in California: an imitation Golden Gate Bridge next to an imitation Yosemite cheek by jowl with an imitation Malibu or Pebble Beach. Criticus suggests that they add an imitation Indian Casino and thus render it unnecessary to go to Vegas at all.

Now, all that being said, don't think that Criticus didn't enjoy himself or would not return. Of course he enjoyed himself, enjoyed himself greatly, and not least because he got to see his beloved country cousins after so long a time, for they are treasures. He also got to observe Seymour on his native heath. (Seymour revealed at dinner that night that he now had a job at Caesar's Palace; since then he has revealed that he quit after a week. Some things in life *are* constant.) Moreover, Criticus has a taste for the bizarre and the grotesque. And yes, Criticus enjoyed himself because he likes occasionally to gamble (it runs in the family), even knowing he is more likely to lose than win. And if Vegas has anything approaching a soul, it is gambling. For all the modern family resort notions that currently reign in the New Vegas, it's really the gambling, stupid. All the rest, no matter how lavish, is froth.

I ASKED SEYMOUR, who likes it there, what was the reason that anyone would want to live in Vegas, as opposed to visiting. Like the question about the use of the ceramic Jackson Pollock tiles, this one seemed to stump my respondent. Finally, he said, "Well there's Red Rock Canyon" (a mountain cluster west of Vegas). How perfect that the one thing he could think of was there before there ever was a Vegas, is not in the town at all, and will be there when only the Ozymandian remnants of Vegas hotels are left standing and the lone and level sands stretch far away. CPR

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